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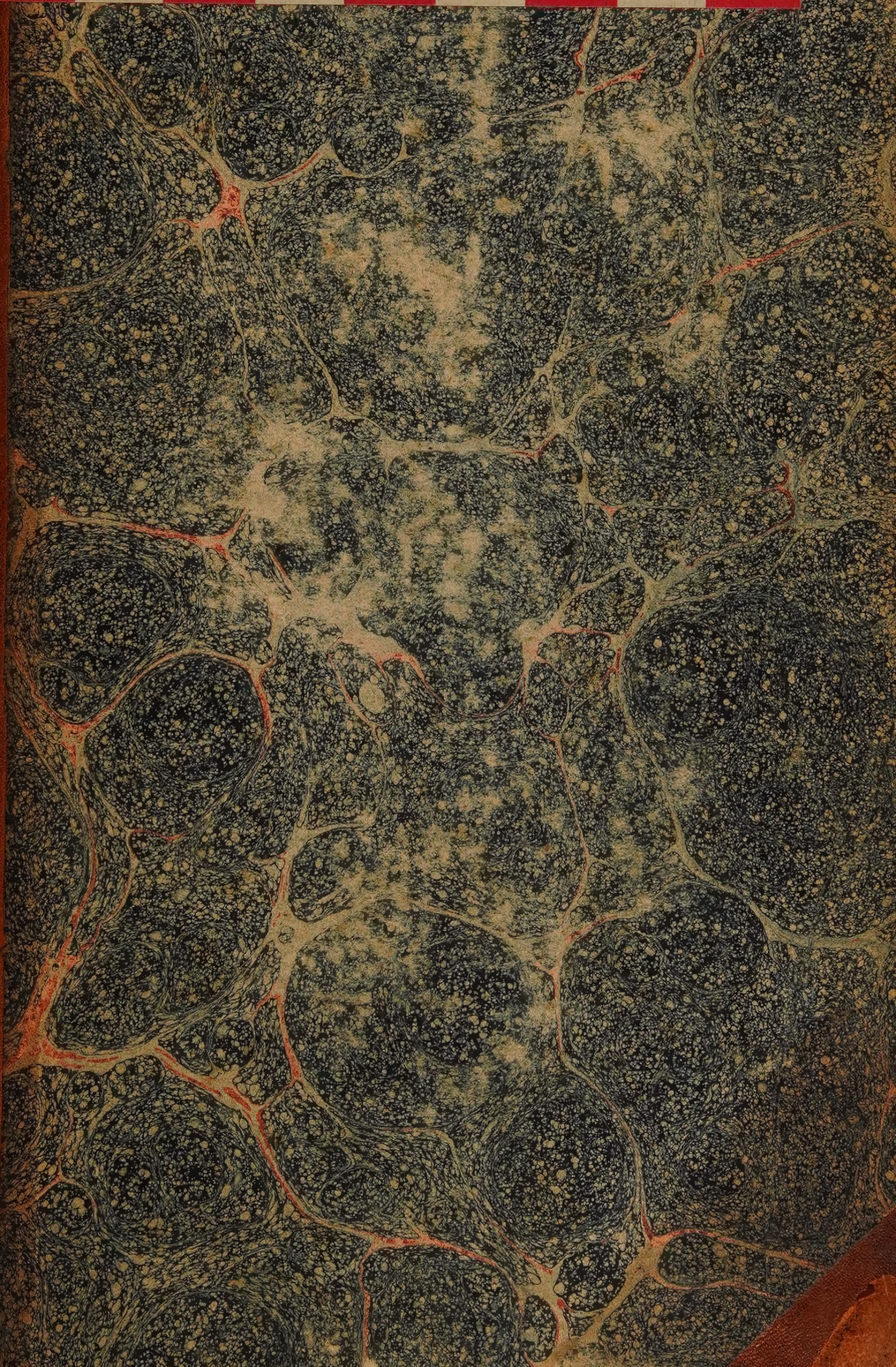

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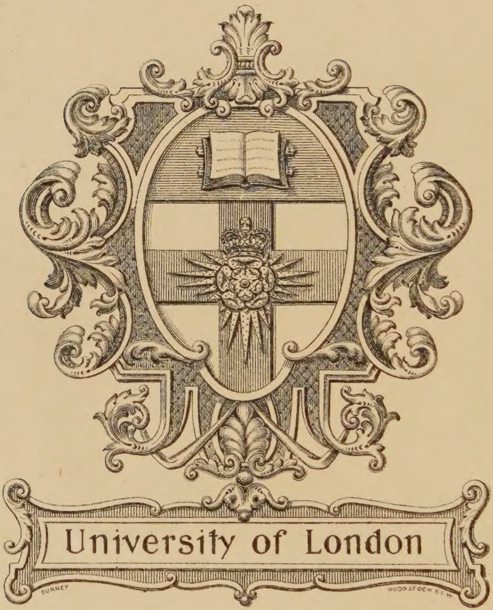

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THE
Parliamentary Debates
FROM
THE YEAR
1803
TO THE PRESENT TIME:

FORMING A CONTINUATION OF THE WORK ENTITLED
"THE PARLIAMENTARY HISTORY OF ENGLAND FROM THE EARLIEST
PERIOD TO THE YEAR 1803."

PUBLISHED UNDER THE SUPERINTENDENCE OF
T. C. HANSARD.

VOL. XVI.
COMPRISING THE PERIOD
FROM
THE SECOND DAY OF MARCH
TO
THE SEVENTEENTH DAY OF MAY
1810.

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TABLE OF CONTENTS

TO

VOLUME XVI.

I. Debates in the House of Lords.
II. Debates in the House of Commons.
III. King's Messages.
IV. Parliamentary Papers.
V. Petitions.
VI. Lists.

I. DEBATES IN THE HOUSE OF LORDS.

1810. *Page*
March 2. Corn Distillation Prohibition Bill 1
The King's Answer to the City of London respecting the Expedition to the Scheldt 2
8. State of the Army 11
Roman Catholic Petition 11
12. Slave Trade 11
Foreign Expeditions 12
East India Company 14
16. Foreign Troops in British Pay 9
22. British Troops on Foreign Service 24
Exchange of Prisoners of War 26
29. Campaign in Spain 305
30. Campaign in Spain 373
April 5. Campaign in Spain 451
Expedition to the Scheldt 452
Revenue Criminal Laws 453
12. Foreign Troops in British Pay 630
17. Cruelty to Animals Bill 726
May 3. King's Message relating to the Duke of Brunswick 790
4. Poor Clergy 830
7. Cruelty to Animals Bill 845
State of the Country 846
8. Cruelty to Animals Bill 880
11. Poor Clergy 967
14. Cruelty to Animals Bill 1017
15. Gas Light Bill 1038
17. Offices in Reversion Bill 1065

II. DEBATES IN THE HOUSE OF COMMONS.

1810. *Page*
March 2. Mr. Whitbread's Motion relative to the Earl of Chatham's Narrative 3
5. Mr. Whitbread's Motion relative to the Earl of Chatham's Narrative —Adjourned Debate 2
6. Offices in Reversion 12
8. Vote of Thanks to Lieutenant General Sir Stapleton Cotton and Brigadier General Anson 11
9. Admiralty Court 12
Defence of Portugal 15
12. Sir Francis Burdett's Motion for the Release of Mr. John Gale Jones 14
Slave Trade 12
14. Ordnance Estimates 15
16. Ordnance Estimates 10
19. Third Report of the Finance Committee 13
20. Offices in Reversion Bill 18
Mr. Montague 19
22. Vote of Thanks to Sir Robert Wilson 18
Treasurer of the Post Office in Ireland 26
23. Lincoln's Inn Benchers—Mr. Farquharson's Petition 27
Estimates of Staff Officers 39
26. Lincoln's Inn Benchers—Lord Erskine 45
Expedition to the Scheldt 46
27. Mr. Lethbridge's Complaint against Sir Francis Burdett 136
Sir Francis Burdett to his Constituents; denying the Power of the House of Commons to imprison the People of Englalnd 137
Expedition to the Scheldt—Adjourned Debate 194
28. Mr. Lethbridge's Complaint against Sir Francis Burdett—Adjourned Debate 257
29. Expedition to the Scheldt—Adjourned Debate 306
30. Lord Wellington's Answer to the Vote of Thanks 388
Expedition to the Scheldt—Adjourned Debate 388
April 3. Sir Francis Burdett's Motion respecting Captain Warwick Lake and Robert Jeffery 426
4. Assessed Taxes 449
Expulsion of Mr. Hunt 450
5. Mr. Lethbridge's Complaint against Sir Francis Burdett—Adjourned Debate 454
Sir Robert Salusbury's Motion for the Commitment of Sir Francis Burdett to the Tower 547
9. Release of Mr. John Gale Jones 548
Proceedings respecting the Execution of the Warrant for the Commitment of Sir Francis Burdett 549
Sir Francis Burdett's Letter to the Speaker 550
Examination of the Serjeant at Arms 551
10. Proceedings respecting the Commitment of Sir Francis Burdett and his Letter to the Speaker 592
Exchequer Bills 629
12. Resolutions respecting Mr. Hunt's Securities 637
13. Ordnance Department 648
Petition of the East India Company for Relief 654
Sir Francis Burdett's Notice to the Speaker 656
Securities Bill 657
Mr. Parnell's Motion respecting Tythes in Ireland 658
16. Breach of Privilege—Newspaper Parliamentary Reports 689
Sir Samuel Romilly's Motion for the Discharge of Mr. John Gale Jones 691

1810. Page
April 17. Petition from Westminster for the Release of Sir Francis Burdett ... 727
Sir Francis Burdett's Notice to the Speaker ... 733
Expulsion of Mr. Hunt ... 733
Lord Chatham ... 734
18. Dispute with America ... 736
Disturbances in the Metropolis, in consequence of the Commitment of Sir Francis Burdett to the Tower ... 737
Captain Foskett's Petition ... 746
30. King's Message relating to the Duke of Brunswick ... 757
May 1. Drury Lane Theatre Petition ... 757
Sicilian Subsidy ... 758
Privately Stealing Bill ... 762
2. Petition from Middlesex for the Release of Sir Francis Burdett, &c. 780
3. Petition from Middlesex for the Release of Sir Francis Burdett—Adjourned Debate ... 791
Motion respecting the late Treasurer of the Post Office in Ireland ... 818
4. Private Bills ... 831
Assessed Taxes ... 831
Property Tax ... 832
Exchange of Prisoners ... 833
Criminal Laws ... 833
Transport Service ... 835
East India Affairs ... 836
King's Message relating to the Duke of Brunswick ... 843
7. The King's Letter to Ferdinand the Seventh ... 854
Sir Francis Burdett's Notices to the Speaker ... 854
Mr. Alderman Combe's Motion respecting the Address of the City of London to the King ... 870
King's Message relating to the Duke of Brunswick ... 879
8. Petition of the Livery of London respecting the Commitment of Sir Francis Burdett, &c. ... 885
Mr. Prendergast's Motion respecting the Expedition against the Island of Macoa ... 902
West India Dock Company ... 913
9. Sir Francis Burdett's Process against the Serjeant at Arms ... 915
Petition from the Livery of London respecting the Commitment of Sir Francis Burdett, &c.—Adjourned Debate ... 922
Criminal Laws ... 944
10. Petition from Reading respecting the Commitment of Sir Francis Burdett, &c. ... 949
Petition from Reading respecting a Reform in Parliament ... 952
Sir Francis Burdett's Process against the Speaker ... 956
Sir Francis Burdett's Process against the Serjeant at Arms ... 956
Captain Foskett ... 957
11. Sir Francis Burdett's Notice to the Earl of Moira ... 969
Proceedings respecting Sir Francis Burdett's Notices ... 969
Navy Estimates ... 1005
14. Affairs of the East India Company ... 1017
Major Cartwright's Petition for Reform in Parliament, &c. ... 1020
Duke of Brunswick's Annuity ... 1031
15. Dispute with America ... 1039
16. Budget ... 1043
17. Duke of Brunswick's Annuity Bill ... 1077
Finance Resolutions—Sinecure Places ... 1083

III. KING'S MESSAGES.

King's Message respecting an Annuity to the Duke of Brunswick ... 757

IV. PARLIAMENTARY PAPERS.

Papers relating to the Expedition to the Scheldt—Concluded from Appendix to Vol. 16. .... *Appendix* i

Copy of the Earl of Chatham's Statement of his Proceedings; dated 15th October 1809. Presented to the King, 14th February 1810. 1106
Papers relating to Rear Admiral Sir Richard J. Strachan, Bart. 1115

V. PETITIONS.

Petition of the East India Company for Relief 654
- - - - - from Westminster for the Release of Sir Francis Burdett 727
- - - - - from Captain Foskett 751
- - - - - from the Proprietors of the late Theatre Royal Drury Lane 758
- - - - - from Middlesex for the Release of Sir Francis Burdett, &c. 780
- - - - - from the Livery of London respecting the Commitment of Sir Francis Burdett, &c. 885
- - - - - from Reading respecting the Commitment of Sir Francis Burdett, &c.... 949
- - - - - from Reading respecting a Reform in Parliament........ 954
- - - - - from Major Cartwright for Reform in Parliament, &c. 1020

VI. LISTS.

List of the Minority in the House of Lords, March 2, on the Marquis of Lansdown's Motion relative to the King's Answer to the City of London respecting the Expedition to the Scheldt 2
- - - of the Minority and also of the Majority in the House of Commons, March 30, on Lord Porchester's Motion relative to the Expedition to the Scheldt 422
- - - of the Minority in the House of Commons, April 5, on Sir Robert Salusbury's Motion for the Commitment of Sir Francis Burdett to the Tower 547
- - - of the Minority in the House of Commons, April 13, on Mr. Parnell's Motion respecting Tythes in Ireland........ 689
- - - of the Minority in the House of Commons, May 1, on the Privately Stealing Bill 780

THE

Parliamentary Debates

During the Fourth Session of the Fourth Parliament of the United Kingdom of Great Britain and Ireland, and of the Kingdom of Great Britain the Twenty-first, appointed to meet at Westminster, the Twenty-third Day of January, 1810, in the Fiftieth Year of the Reign of His Majesty King GEORGE the Third. [*Sess.* 1810.

HOUSE OF LORDS.

Friday, March 2, 1810.

[CORN DISTILLATION PROHIBITION BILL.] Upon the order of the day being read, that the House do go into a Committee upon this Bill,

The Earl of *Hardwicke*, in pursuance of the notice he gave yesterday, conceived it his duty to propose a limited period for the duration of the bill now before their lordships. He had been induced to adopt this mode of conduct, in consequence of the defect of information, how far this measure would be expedient for the interests of the country. If the present bill were limited to the duration of three months, it would afford the House an opportunity of examining the documents which had previously been moved for, and which would enable their lordships to form a correct opinion upon the policy of the measure; he should therefore move the alteration accordingly, in order that the bill might expire in May, and not in September.

Earl *Bathurst* expressed his doubt whether this alteration would answer its intended purport; and he really apprehended, that persons interested in the event of this bill passing into a law, would thereby be thrown into such uncertainty as would be materially injurious to their interest.

The amendment was then proposed, when a division took place—For the Amendment 18; Against it 21; Majority —3. The bill afterwards passed through the Committee.

[THE KING'S ANSWER TO THE CITY OF LONDON RESPECTING THE EXPEDITION TO THE SCHELDT.] The order of the day having been read, the marquis of Lansdown desired, as a preliminary step, that the Narrative presented by lord Chatham to his Majesty might be read. The Narrative was accordingly read by the clerk, upon which,

The Marquis of *Lansdown* rose to submit the motion of which he had given notice for a previous day, to the consideration of their lordships. He had postponed his motion on the former day, in consequence of the noble earl, the author of the Narrative, having to attend in another place, but he had hoped that on this day the noble earl would have been in his place. He had thought it, however, his duty to desire that the Narrative should be read, in order that their lordships might be in full possession of its contents. It was deeply to be regretted, that the author of the Narrative should have attempted to cast a blot upon that profession, to weaken public confidence in which was to darken the horizon and to dim the prospects of the country. He did not mean now to enter into a discussion of the policy and the conduct of the calamitous Expedition to the Scheldt, that must be reserved till another opportunity; he should therefore in the present instance confine himself to a very limited object. The author of the Narrative which their lordships had just heard read, was one of his Majesty's ministers, with whom his colleagues had daily opportunities of communication;

and from whom, having these daily opportunities of communication, it was to be supposed his colleagues must have learnt those circumstances detailed in the Narrative, each of which imperiously demanded inquiry; an inquiry, however, had been deemed unnecessary by his Majesty's confidential servants. It had happened that a corporation amongst the first in the country in importance and dignity, had assembled, for the purpose of considering of a petition to his Majesty, that he would be graciously pleased to direct an immediate and effectual inquiry into the causes of the calamitous failure which had attended the Walcheren Expedition, and had determined upon one to that effect, which, in speaking the opinion of that corporation, also spoke the decided and unanimous opinion of the whole country. It had happened also that from some circumstances, a considerable interval elapsed between the determination to present this petition and the delivery of it, giving his Majesty's ministers still further time to inform themselves of the real circumstances attending that Expedition. Was it to be believed, then, that for three months from the time of the arrival of the noble earl, the author of the Narrative, in this country, in September, and the period of delivering the petition to which he had alluded, in December, his Majesty's ministers should have had no communication with their colleague, relative to the circumstances which had caused the failure of the Expedition? Was it to be believed, that when every voice in England was lifted up to demand inquiry into the causes of these calamities which had afflicted the country—that when every mind in England was intent upon the calamitous circumstances of this Expedition—that there should be nine or ten individuals wholly indifferent to these calamities, and wholly regardless of the public feeling and the public anxiety, and wholly negligent in inquiring into the causes of these evils so generally deplored—and that these nine or ten individuals should be his Majesty's ministers?—Yet their lordships would find, by the Answer given to the city of London, that his Majesty's ministers had advised his Majesty to say, that he had not deemed it necessary to institute any inquiry; and this notwithstanding all the circumstances detailed in the Narrative, and which so loudly demanded an inquiry for the sake of the navy, to remove that stain which had been attempted to be cast upon that most important and valuable service.—It would be recollected also, that the ministers who had thus advised his Majesty to refuse inquiry into the petition of his subjects, where inquiry was so imperiously demanded, were the same ministers who, on a former occasion, when a petition from the same corporation called for inquiry into the disgraceful affair of the convention of Cintra, had advised his Majesty to reprove the citizens of London for thus coming to ask for inquiry, and to state, that his Majesty was desirous at all times to institute inquiry, where, as in that case, the hopes and expectations of the nation had been disappointed.—The same ministers too, who when intending to move the thanks of parliament to a naval commanding officer, upon only hearing it intimated that an officer who commanded a single ship in the fleet intended, not to prefer a charge, but to oppose the Vote of Thanks, immediately instituted a court martial upon the officer in command, yet, who had refused inquiry in the case of this calamitous Expedition to the Scheldt, where so many circumstances demanded it—where it was called for to clear the character of the navy from the reproach cast upon it by the author of the Narrative—where it was called for by the general voice and the universal feeling of the country. Did his Majesty's ministers intend to shield themselves under his Majesty's sacred name and authority? He trusted the country would not be deceived by such an artifice, nor suffer them to take advantage of the sanctuary of a temple profaned by such unhallowed steps, and polluted by such hands. Was it to be believed, that they were ignorant of the sentiments and opinions of the author of the Narrative? was it to be believed, that, having daily opportunities of communication with the noble earl, the author of the Narrative, one of their colleagues, the master general of the ordnance, and the military commander in chief of the Expedition, they should have neglected to have required him to give them all the information in his power upon the subject of the Expedition; that they should with all their opportunities of information and explanation, have remained in utter ignorance of the opinions and sentiments of their colleagues, in utter ignorance even of many material facts relating to this Expedition? He could not believe that it was in this utter ignorance of the facts and circumstances stated by their colleague in his

Narrative, that his Majesty's ministers advised his Majesty to give that answer to the city of London, by which all enquiry was denied. He would not believe, unless the noble lords on the other side stated it themselves, that they could at that time be ignorant of those facts and circumstances. Their lordships were aware, that in consequence of some dissentions in the cabinet, two of his Majesty's ministers, who were ministers at the period of this Expedition, had since resigned. But what must be their lordships opinion, if it was now pleaded by the noble lords on the other side, that they were ignorant of the facts and sentiments detailed and expressed by their colleague, the author of the Narrative?—Were they then to infer, that their dissentions on the cabinet still continued; that such was the indifference, with which they viewed each other, that they would not even ask for information from a colleague with reference to facts of the greatest importance to the country; that such was their mutual distrust that they could not communicate with each other even upon topics which intimately affected the public service; that such was their contempt of each other, that one would not condescend to ask the other a question, for the purpose of obtaining information, however essential that information might be to the purposes of government, or to the interests of the country? Was the House to infer, that such was at this moment the divided and degraded state of the administration of the country? He would not believe then that such could have been the ignorance of his Majesty's ministers, unless they themselves stated it. Under the impression, therefore, that his Majesty's ministers could not have been ignorant of the facts and circumstances detailed by their colleague, the master general of the ordnance, in his narrative as commander in chief of the Expedition to the Scheldt, of circumstances, each of which most imperiously called for inquiry, as well for the purpose of satisfying the public and the country, as for clearing that profession, which was so important and valuable to the dearest interests of the country, the navy, from the blot, which had been attempted to be cast upon it, he felt it to be his duty to move for an Address to his Majesty, praying That his Majesty would be graciously pleased to inform the House who it was that advised his Majesty to return the Answer to the City of London respecting the Expedition to the Scheldt, That his Majesty had not deemed it necessary to institute any inquiry.

The Earl of *Liverpool* said, if the object of the noble marquis was merely to know who it was that advised his Majesty to return the Answer alluded to, he had not the smallest objection to state, that the whole of his Majesty's ministers had concurred in advising his Majesty to give that answer, with the exception of the earl of Chatham, who, as must have been observed, from some of the papers on the table, had not attended the deliberations upon that subject. It was open, therefore, to the noble marquis to make that answer the subject of any accusation, that he might think it proper to urge against his Majesty's ministers; and he had no hesitation to say that he was prepared distinctly to meet the noble marquis upon the ground of that answer. He was fully prepared to justify the advice given to his Majesty with reference to that answer, upon the grounds of the facts and circumstances of which his Majesty's ministers were then in possession; and if the occasion were to occur again, he would advise a similar answer upon a knowledge of facts and circumstances similar to those then known to his Majesty's ministers. The noble marquis had spoken of the noble earl as master general of the ordnance, and a confidential servant of his Majesty; but the fact really was, that the noble earl acted as commander in chief of the Expedition in a capacity wholly distinct from his office as a minister, and that his Majesty's ministers considered that noble earl in his situation as commander in chief to be under the same circumstances as the commander of any other Expedition. They had, therefore, no more right to call upon him for papers or documents, than they had upon the commander of any other Expedition.—The noble earl was therefore, perfectly at liberty to use his own discretion, with respect to the facts and circumstances he chose to state, and must have been considered in the same situation as any other commander. The noble marquis had omitted to state one part of the answer, which did not exactly suit his purpose, and the object of which was to refer the inquiry to parliament. This, he contended, was the only proper course that could be pursued. There was no ground for a military inquiry—there was no charge by one branch of the service against another

—there was no charge by any individual against the commander. How then, could an inquiry be instituted? He put it to those who objected to instituting a court martial, where the noble lord who was the object of it demanded it; how it could be justified if they were to have instituted an inquiry where no charge was made, where no court martial was demanded, and thus to have trifled with the feelings of officers, and cast a stigma upon either service. There was no instance, besides, of an inquiry in the case of a conjoint service, nor could it with any propriety take place, where the military and the naval code differed in so many material points. The only place in which a case of that kind could be fully gone into was in parliament, and to parliament it had been referred. It was true that the Expedition had failed in its main object. The original design of the Expedition was, that the attack upon Antwerp should be simultaneous with that on Walcheren, and this proceeded upon the assumption that Flushing might have been masked whilst the attack was made on Antwerp. He then was strongly of opinion, and still thought, that to attempt the destruction of the enemy's naval preparations at Antwerp was worth encountering a considerable risk. He therefore most sincerely regretted that the intended destruction was not effected; because he still thought that those naval preparations might become formidable to this country. To effect the desired object, the greatest Expedition was employed that was ever sent from this or any other country upon any occasion. That it failed in its ulterior object was not to be attributed to any fault or failure in the plan, or in the execution of it, to any neglect of the executive government, or to any misconduct in the army or navy, but to circumstances which it was impossible to control—to the elements, and to the unusual state of the weather at that season. He denied that there was any blot upon the navy, or the least slur cast upon that most important and valuable service. The failure of the ulterior object of the Expedition, was alone to be attributed to the difficulties arising from the unusual state of the weather. It was under this impression, that his Majesty was advised to return the answer alluded to, and upon which, without meaning to go into a detailed argument relative to the Expedition he was still prepared to say, that an inquiry could not have been instituted, and that the only fit course of proceeding was what had taken place, namely, to refer the whole case to parliament.

The Earl of *Rosslyn* admitted, that considerable difficulties arose from the difference of the naval and military code, in instituting a general enquiry into the conduct of a conjoint expedition. But the existence of such difficulties was by no means to preclude all enquiry. On the contrary, in such cases, it was the duty of ministers to pave the way for practical investigation, by calling upon the commanders in chief of the two services for reports of the occurrences which fell within their respective departments; and if the failure of the Expedition arose from a deviation from instructions, or any delay, negligence, or want of energy in their execution, the reports in question would furnish the details out of which such charges *prima facie* arose, and which therefore ought to form the subject of particular enquiry. Ministers justified the late Expedition by saying that it was intended to be a *coup de main*, and that the success of it essentially depended upon rapidity of execution, and simultaneous co-operation. But were they encouraged to entertain any such expectations from what had passed between sir Richard Strachan and the first lord of the admiralty? The winds and weather, it seems, had disconcerted the project in the outset. But if simultaneous co-operation was to be the life and soul of the enterprise, how came they to plan an expedition which was to sail in three or four successive divisions? and if it were so to sail, how came they to calculate that the winds and weather were to be exactly such as would favour the junction of the whole, at a given period, at the point of debarkation? The fact was, that they shut their eyes to the doubts and difficulties suggested by sir R. Strachan. To him they said "Go, go, we have complete confidence in you; every thing will go on well." From lord Chatham all these difficulties were studiously concealed. To him they said, "You will find every thing ready to your hand; you will find Flushing invested, and cut off from all reinforcements and supplies; and you will have nothing to do but to proceed as fast as possible, up the West Scheldt to Antwerp."—He would not detain their lordships, upon the present occasion, with minute details; but he could not abstain from touching upon two or three points, upon which, in his opinion, his Majesty's ministers ought long ago to have called for explanation. In lord Chatham's dispatch of the 11th of August, he stated that he was prevented from proceeding up the West Scheldt, owing to the transports with the cavalry and provisions not having then got through the Slough; whereas, in the dispatch of the same date from sir R. Strachan, the transports were stated to have already got through, and every thing was alleged to be in the most forward state for prosecuting the ulterior objects of the Expedition. Ought not this difference of statement to have induced ministers to have called for some explanation? Ought they to have published both, and there let the matter rest? Ought they not to have suspected some mistake on the part of one or other of the commanders, and to have inquired into the reason? Were they not aware that much of the abuse and calumny so improperly directed against lord Chatham originated in the erroneous supposition, that as early as the 11th of August, all the necessary preparations for going up the Scheldt were completed? The passage to which he alluded in the admiral's dispatch, he found altered in the copy laid on their lordships' table. He hoped that circumstance would be explained.

Lord *Mulgrave* here said, that he could immediately explain it, to the satisfaction of noble lords. The discordance in the dispatches alluded to, had not escaped his attention. On the contrary, it was one of the first points on which he requested an explanation from sir R. Strachan upon his return; and the answer was, that the mistake originated in a premature report made to him.

Lord *Rosslyn* then proceeded, and observed, that the explanation just given, instead of being satisfactory, came powerfully in support of the charge of egregious negligence which he brought against his Majesty's ministers. Why was not the explanation demanded at the time when the dispatches were received? He would ask, too, why lord Chatham, who returned so long prior to the admiral, and whose character was so much interested in an explanation, had not been applied to upon the subject? The next point, upon which ministers ought to have called for an explanation would be found in a dispatch, with inclosures from sir R. Strachan, dated the 22nd of August. From the inclosures it appeared, that sir R. Keats had by direction of the naval commander in chief applied to him (lord Rosslyn), then in command of the troops in South Beveland, to know whether he had instructions to prosecute the ulterior objects of the Expedition, assuring him at the same time that every thing was ready on the part of the navy, to co-operate with him. His answer was, that he had no instructions; and he would now say further, that if he had had instructions, he had not the means of carrying them into execution. Was there not something on the very face of those documents that demanded enquiry the instant they came into the hands of ministers? Did it not strike their lordships as extraordinary, that the naval commander in chief, though able to communicate directly with the military commander in chief, without the delay of a couple of hours, and thus at once ascertain what instructions had been forwarded to the commander in South Beveland, should, instead of taking that course, apply to the latter through the medium of a subordinate naval commander? If all the naval preparations were complete, must not ministers have thought it strange, that lord Chatham should still be at Middleburgh? Did they suppose that he was so indifferent to military reputation, as that, at the moment when the enterprize was to be crowned with success, he should voluntarily transfer all the glory that would have resulted from it, to one inferior in command?—The noble lord then proceeded to remark upon the tendency of sir R. Strachan's dispatch of the 27th of August, the period when the ulterior object of the Expedition was finally abandoned. He severely censured ministers for having published that dispatch, unless they had determined upon enquiry, because having been given in a garbled shape, its immediate effect was to direct the censure of the public against lord Chatham. He could not be accused of any bias in favour of that noble lord. He was not united with him in political party; he was not in the habits of intimacy or friendship with him; nor had he any connection or intercourse whatever with him, except what had arisen from the circumstance of serving under his command. He could, nevertheless, with perfect truth assert, that he never remarked in that noble lord any want of zeal or energy, or any deficiency in the qualities requisite for the due discharge of the trust reposed in him. But if sir R. Strachan's dispatch excited no surprise in the minds of his Majesty's ministers, he could assure them that it excited a good deal of surprise when it got over to Walcheren. The gallant admiral there gave the same satisfactory explanation of it which he recently gave before the House of Commons, namely, that he never conceived it was to be made public, and that he had no other object in it, than in writing to the heads of the department in which he was employed, to pass a just and merited encomium on the force under his immediate command. But why did ministers publish only an extract of the dispatch in question? Sir R. Strachan was understood to have in the same dispatch, or by the same conveyance, informed government of an impending scarcity of provisions, there being then only a supply of ten days in store. Not a word of this had come out; because, to state that there remained only a ten days' supply, while our force amounted to 70,000 men, would have been to tell the public that there was an end of the Expedition. He disclaimed any idea, in what he stated, of casting any imputation whatever upon sir R. Strachan or the navy. He considered him as an ornament to his profession, and he was convinced, that he and his officers and seamen had done every thing in their power. He was satisfied that nothing in lord Chatham's Narrative was meant to convey an insinuation to the contrary. The facts there stated would ultimately be found to lay the blame where it ought to be laid, upon the board of admiralty. But the Narrative in question, like the dispatches he alluded to, shewed the necessity of enquiry, with the view of fairly ascertaining where the blame really lay. That the failure did not, in the genuine opinion of ministers, arise from the want of simultaneous co-operation, was evident, from lord Castlereagh's dispatch of the 24th of August, in which he congratulated lord Chatham upon the fall of Flushing; and expresses a confident hope that he would proceed to accomplish the ulterior objects of the Expedition, with the same zeal, vigour, and perseverance that had already been displayed. The noble lord concluded with some observations on the illiberal treatment which lord Chatham had received on the part of the public journalists, and particularly those of them who were the supporters of the ministry.

Lord *Holland* expressed his hope that his noble friend would persevere in his motion, as from all he heard in opposition it appeared only the more important. The plain matter in issue was this, whether his Majesty's ministers were in possession of the information which had subsequently appeared from the Narrative of lord Chatham at the time they gave the answer to the address of the city of London, stating that it had not been judged necessary to institute an inquiry? If they had the information, then they would be called upon to account for their conduct in returning such an answer; if they had not the information, then it would appear that they themselves had not the confidence of his Majesty, but had been supplanted by one of their own colleagues. It was necessary that their lordships should distinctly ascertain how this matter stood, to pass such resolutions upon it as the nature of the case should require. He had been often rebuked in that House for saying, that there was an influence behind the throne distinct from that of the ostensible servants of the crown—whose influence alone the constitution recognized. He had often been told that there was no such influence; but would those who had maintained that position, assert now that there was no such influence? If the ministers had the information communicated by lord Chatham at the time they gave the answer to the London address, then they were highly culpable; for it appeared that one of the commanders did in his official Narrative accuse the other, a ground sufficient for inquiry. If, however, every thing of this kind had been concealed from them—if lord Chatham had availed himself of his situation as a privy counsellor, to give this Narrative to the King without the knowledge, not only of the admiral and the public, but even of his colleagues, what were their lordships to think of such proceedings? Was it consistent with their duty to pass over this species of secret influence without the severest censure? If it should appear that this Narrative had been given in without the knowledge of the ministers; if they were kept in perfect ignorance on this point, in what situation did they stand? They presented the disgraceful spectacle of a set of men submissive enough to continue in office without the confidence either of their sovereign or of their country.

The Earl of *Westmoreland* conceived, that the conduct of his Majesty's servants was highly justifiable in not instituting an inquiry, at so early a period, into the conduct of the commanders of the Scheldt Expedition. In the public documents there were no reflections against the admiral, no blame attached to either of the officers, and therefore no grounds existed for instituting inquiry. He then alluded to what he conceived to have been said by a noble lord opposite (Grey) on a former occasion, viz. that it was impossible to possess the confidence of the crown and of the people at the same time. As to the confidence of the people, he did not feel it necessary to say any thing upon that subject; but of this he could assure the noble lord opposite, that ministers did not think themselves deprived of the confidence of the crown. His lordship seemed to feel for them on that subject much more than they did for themselves. On the subject of the Walcheren inquiry, his lordship expressed himself perfectly satisfied that the ministers would come out of the trial with honour; that the country would think that they had done their duty; that they had not only done their duty, but that with the means they possessed they would have been highly blameable if they had not made the attempt to destroy the arsenal at Antwerp. The conduct of ministers, he said, would appear more bright when compared with the incapacity of their predecessors.

Earl *Grey* observed, that after the expression of confidence, which had escaped the noble earl as to the complete justification of ministers on the subject of the Scheldt Expedition, any thing which had been uttered by the noble lord with respect to himself personally, must appear but light. But since the noble lord had alluded to what had fallen from him some weeks ago, it would have been but fair to have quoted him correctly. He did not say that it was impossible to have the confidence of the crown and of the people at the same time. He had only expressed his regret at the sort of measures pursued, which, unfortunately had a tendency to disunite the sovereign and the country, and to hold the interests and consequently the confidence of both as incompatible. As to the observation about the incapacity of the late ministers, he felt that deeply, and he felt it the more severely, on account of the peculiar sharp and acute manner in which it had been urged. He had never heard, however, that the late ministers wished to avoid inquiry. The noble earl, if he thought their conduct called for it, and he had every opportunity of knowing, ought to make a regular charge against them. He could not but admire the grace with which such an observation came from the noble lord. But he really felt ashamed to trouble their lordships with answering such observations. The noble earl often indulged himself in such general assertions, for the sake of effect, he supposed; but he begged leave to state, that henceforth he certainly should not think himself at all called upon to give them any answer whatever when urged in such a manner.—The merits of the question, as to the Expedition to the Scheldt, he would not anticipate. This much however was a matter of notoriety, that an Expedition the greatest, as the noble secretary had stated, that ever had been sent from this or any other country, on any occasion, had completely failed, and that, under the most aggravating and disastrous circumstances, our brave troops having been so long exposed to perish, not by war, but by pestilence. And this was the state of things under which the noble lord had held out, that he and his colleagues were so easy and confident; but parliament and the public however would soon be enabled to decide upon that matter.—He was ready to admit that the question at present before the House lay in a very narrow compass, being merely as to the propriety of ascertaining whether, on the 20th of December, when the answer was given, ministers were or were not in possession of the information which had subsequently come out upon that subject. He agreed that ministers ought only to have called upon lord Chatham for information in the capacity of military commander; for it would have been abhorrent from the principles of the constitution, and unjust to the character of the admiral, to have received secret communications. His lordship then contended, that independent of the Narrative of lord Chatham, there were various circumstances stated in the dispatches, that called for inquiry, especially the change of measures after the sailing of the Expedition. He could not exactly collect from the arguments of the noble lord who spoke last; whether he meant to support or oppose the motion, but he was sure their lordships ought to support it.

Lord *Mulgrave* entered into a defence of the conduct of sir R. Strachan, which, he considered as wholly free from the slightest possibility of imputation. He had been induced to give the advice which he had given to his Majesty on the subject of the answer to the address of the city of London from the conviction that no blame was imputable to either of the commanders for the result of the Expedition. He declared not only that he had never seen or heard of lord Chatham's narrative until Feb. 24, but that he had never conceived the possibility of the existence of such a document. He would however, admit, that had he seen the narrative before the address of the city of London was presented, he might have advised his Majesty to give so far a different answer, as to declare that the result of the Expedition was in a state of inquiry; for although he conceived that in the original dispatches would be found a complete answer to the imputations contained in the narrative, yet he thought it would have been but justice to the gallant admiral to require from him a counter statement. It was this sense of justice to sir R. Strachan which had induced him immediately on his having been made acquainted with the existence of lord Chatham's narrative (even before he had himself read it) to apprise sir R. Strachan of the circumstance, although the rapidity with which the narrative was moved for, and produced in the House of Commons, would not permit him to send a copy of it to the gallant admiral. Adverting to sir Richard Strachan's letter of the 27th of Aug., he declared that in his opinion it by no means bore the character of accusation of the military department of the Expedition with which it had been charged. It simply declared the readiness of the navy to proceed; at the same time allowing that the question of procedure was purely a military one. He would repeat then what he had said on the first day of the session, that in his opinion the want of success was not attributable to any one. It chiefly arose from the adverse winds and unfavourable weather; causes over which it was impossible to maintain any controul. He declared the anxiety which he always felt to maintain the character of the gallant officers in that department of the service over which he had the honour to preside. Not conceiving, however, that the noble marquis had urged any just grounds for his motion, he should give it his decided negative.

The Earl of *Darnley* considered the general conduct of ministers injurious to the country, and called on them to stand forward, if they could, and deny that the late Expedition had been calamitous and disgraceful in every point of view. This he was convinced they could not do, and he felt a persuation that nothing but their removal could relieve the country.

Lord *Grenville* did not rise without reluctance to address a few observations to their lordships. As he differed, however, on certain points from the noble lord (Mulgrave), he felt it necessary for him to state these points of difference and the grounds upon which they rested. He was sensible of the situation of that noble lord, when called forward to state, whether he was or was not a party to the charges insinuated against the gallant admiral. He was glad to hear that noble lord make the avowal, that if he had apprehended that the narrative was in existence, he should not have advised his Majesty to return the answer which had been given to the address of the city of London. He felt peculiar satisfaction at this admission because he had heard that it had been stated somewhere, and the noble secretary had stated that night, that even though that paper had been known to be in existence the same answer would have been advised to be given to the city of London. But the noble lord said, that if he had known of this narrative, as he did of the intention of an officer to oppose the vote of thanks to the admiral of the channel fleet, he should have felt it his duty to bring sir R. Strachan to a court martial, though perfectly convinced that no blame could attach to that gallant admiral. What he particularly complained of in the case of lord Gambier was, that without any charge existing against him, and solely upon the avowed intention of a member of parliament to oppose the vote of thanks to him, he had been brought to trial—a circumstance not more unjustifiable towards him than injurious to the intests of the navy. But the present case did not rest upon the vague declaration of opposition on the part of a member of parliament—on the loose representations of rumour, or the uncertain and ambiguous expressions of unauthorized complaint, but was founded upon charges preferred by the commander in chief of a conjoint service against a particular branch of that service. If the members of the cabinet had been aware of this circumstance, he was convinced, that neither from a regard to the honour and interests of their Sovereign, nor from a sense of duty to their country, could they have advised his Majesty to answer that no inquiry

quiry was necessary. It was, in his opinion, the duty of his Majesty's minister, when acquainted with this narrative, to have called upon sir R. Strachan for his Narrative, and upon considering both, to determine whether any further inquiry was necessary. But above all, it was the duty of the board of admiralty to institute such inquiry. It made no difference in the case that lord Gambier had demanded a court martial, because it was the duty of every officer, against whom a charge might exist, to call for a court martial; but that was no excuse for the King's government, if, aware of sufficient ground for inquiry. His Majesty's ministers were not to consider whether or not officers liked to go before a court martial; it was their bounden duty to call for investigation where inquiry seemed to be necessary.—He next came to ask, whatever might be the opinions of the noble lord and his colleagues at present, upon what ground it was they had taken the resolution against the inquiry, before they had advised the answer to the city of London. The question was not, whether they should have answered any thing or nothing. Before they declared against inquiry, they were bound to be in possession of all the information and documents upon which such a question could be founded. Much of this argument he rested upon the information of a noble earl, who had served upon the Expedition. According to the statement of that noble friend, it appeared that much misapprehension had prevailed with respect to the dispatch of sir R. Strachan, which he was sure was never intended to convey the slightest blame against the earl of Chatham. As to the fact of the precise time when the transports had passed a particular point, the land officers stated one thing, and the sea officers another. Even this difference of statement he would contend was a good ground of inquiry. But upon the return of lord Chatham to England after the failure of such an expedition, the government was bound to call upon him for an explanation of its progress and results. The account from sir R. Strachan had not been received till September. At that period lord Chatham was in England, yet during the whole time no narrative was required from him. Nay, that noble lord had been in England during the whole of September, October, November, and even December; still no narrative had been called for from him, nor was any inquiry thought necessary. But in stating this, it was not his intention to utter a word in condemnation of lord Chatham; no, God forbid! Yet he could not but think that all these circumstances afforded abundant grounds for a military inquiry. He besought their lordships therefore to consider seriously what had been the effect of an Expedition, which had wasted more men, consumed more treasures and exhausted and debilitated the means and resources of this country in a greater degree than any Expedition which had ever taken place. It had been directed to a point within four hours sail of our coast, and within one month had been found inadequate to its ulterior objects. Yet the noble secretary of state had asserted, that the failure had arisen from a departure from the original plan. If that plan had been departed from, that departure was proper subject for inquiry. But he should be very curious to learn from that noble secretary the reasons, why such departure from the original plan had caused that failure, and he looked upon that assertion as too sanguine, particularly when made in presence of military officers, who had been personally serving in that Expedition. The noble secretary had talked in high sounding terms of the effect of personal responsibility; but he could not call to mind any case of such personal responsibility, except that of sir John Moore, in which his Majesty's ministers attempted to throw all responsibility from themselves upon that illustrious officer. This, it might be said, was the reason why lord Chatham had not been suffered to give in an official Narrative; because, if the commanders by sea and land should justify themselves, then the heaviest responsibility that ever attached to any government would rest upon his Majesty's ministers.—At that period of the debate he should not think of entering into a consideration of the question, as it bore upon a service, which was at once the pride and the bulwark of the nation. But he could not avoid looking at it in a constitutional point of view, when a noble lord at the head of the admiralty thought that his ignorance of this narrative, and that of the other members of the cabinet, would be sufficient, as it were, to nonsuit his noble friend, or to induce him to withdraw his motion. The noble lord had admitted that in this Narrative was contained a substantive charge against the conduct of the navy; but he had forgotten to notice, that it also contained a heavy charge against the executive administration of the navy. In the case of such a charge, were their lordships to be satisfied with a mere verbal contradiction of it? How came it, that the military commander, being himself a member of the cabinet, after having prepared such a statement, could bring himself to decide that no inquiry was necessary? The noble lords well knew, however, that all the members of the cabinet had not been parties to the answer to the city of London. Was it not fit subject for inquiry, that some members of government had not been parties to this famous answer? Was it sufficient for those who loved the constitution to be told verbally who had, and who had not been parties to that answer? The motion, he must strongly contend, ought to be agreed to, not only in order to discover those who had advised the answer, but with a view to those future proceedings which it might be necessary to resort to. He was surprised to hear the noble secretary of state declare that no effects had followed from the proceeding in this case. Good God! that no effects should have followed from the unconstitutional practice of an individual, possessing himself of the King's ear, and availing himself of that pernicious privilege to instil poison into his Sovereign's mind! That no effects should have resulted from a person thus having the King's ear, taking advantage of his Sovereign's favour, to insinuate secretly serious charges, as well against a gallant admiral, who had been a distinguished ornament of his profession, and devoted the whole of his life to the service of his country, as against the whole service over which he presided. Could the noble secretary say that no effects had followed, when a Narrative, containing such charges, had remained so long where it had remained, in the possession of his Majesty, without the knowledge of the other members of the cabinet? The noble lord in the blue ribband had alluded to some event which occurred at a former period. If it were possible for him to go back to transactions which took place six and forty years since, he had no doubt that he should be able to give a complete and satisfactory answer to the observations of that noble lord. But he should have no difficulty in saying, that in every situation and in all possible circumstances he must deprecate that system of double government which puts forward one set of men as the ostensible administration, but invests another set of men concealed from public view, with all the effective powers of government. Such a system he should condemn in all cases, as rendering it impossible for any set of men, possessing the nominal powers of office, to discharge the duties of the executive government, either with credit to themselves, or with advantage to the country. This was the first time that their lordships had upon their table, any paper shewing the existence of such a system; and he had only to express his regret, that any set of men could be found to countenance such a system. Thus much he had thought it necessary to say in justification of his vote; and it was matter of surprise to him, how it could have happened, that the King's answer to the city of London was directly contrary to what it must have been, if this Narrative had been known to his cabinet ministers.

The House then divided: Contents—Present 41; Proxies 49—90.—Non-contents—Present 70; Proxies 66—136.—Majority 46.

List of the Minority.

PRESENT.

DUKES.
Norfolk
Somerset
Argyle
MARQUISSES.
Lansdowne
Stafford
Downshire
Headford
Douglas
EARLS.
Derby
Spencer
Hardwicke
Ablemarle
Essex
Lucan
Donoughmore
Rosslyn
Grey
Ilchester
Grosvenor
Bristol
Besborough
Moira
Darnley
Carysfort
Breadalbane
Lauderdale
VISCOUNT.
Bulkeley
BARONS.
Grenville
St. John
Carrington
Holland
Keith
Erskine
King
Saye and Sele
Ponsonby
Ellenborough
Hawke
Lilford
Dundas
Bishop of Oxford

PROXIES.

DUKES.
St. Albans
Devonshire
Gratton
Bedford
MARQUISSES.
Buckingham
Bute
Townshend
EARLS.
Tankerville
Darlington
Scarborough
Carnarvon
Cholmondeley
Shaftesbury
Fortescue
Carlisle
Eglinton
St. Vincent
Cork and Orrery
Waldegrave
Fitzwilliam
Jersey
Upper Ossory
Suffolk

Radnor
Thanet
Berkeley
Guilford
Charlemont

Viscounts.
Bolingbroke
Clifden
Anson

Barons.
Ashburton
Stawel
Braybroke
Crewe
Montfort
Auckland
Glastonbury
Cawdor
Somers
Ducie
Hutchinson
Yarborough
De Clifford
Southampton
Foley
Bishop of St. Asaph
——— of Lincoln

HOUSE OF COMMONS.

Friday, March, 2.

[The Earl of Chatham's Narrative.] Mr. *Whitbread* rose in pursuance of his previous notice to make a specific motion on this subject, and spoke to the following effect:—Sir, but seven days have elapsed since I felt it to be my duty to submit to the consideration of this House a certain proposition, founded upon a strong and justifiable suspicion, that a line of conduct most unconstitutional and improper had been pursued by a noble lord, at this moment a member of the King's cabinet, and late the commander in chief of the disastrous Expedition to the Scheldt. I then contended, that it was not only the right, but that it became the incumbent duty of this House to call for the production of all documents and papers, touching the important inquiry in which it is engaged, which it had reason to believe were in possession of the crown, and most particularly if they had been communicated in in a way most likely to excite its constitutional jealously, and call for its unbiased and active vigilance. I had the proud satisfaction to find upon that occasion that my humble efforts were not ineffectual;—for to the immortal honor of this House let it be spoken, that, to the address, which it then agreed to have conveyed to the crown, an answer has been since returned, not only fully justifying the course it then found necessary to adopt, but too strongly illustrating and confirming the suspicion, which it thought proper on that occasion to entertain. I must be allowed to repeat that in that instance my efforts were successful in the most extensive sense of the word; for I most sincerely, consider the decision of that night, as forming a most important political æra in the history of this empire—an æra to which in distant times posterity will look back with national pride as a great political triumph, and a sound constitutional precedent. Have I not reason also to consider those efforts successful in an unlimitted degree, when I recollect that the decision was obtained in despite of all the power, all the persuasion and all the influence of the ministry? And here I must beg leave to intreat the House to look back to the conduct of the right hon. gentlemen opposite, to retrace and consider the course they have thought proper to pursue upon the occasion.

When the noble earl (lord Chatham) upon whose conduct I felt it my duty to animadvert was at the bar of this House; and when it was endeavoured to extract from him a plain answer to certain direct questions, it was asserted by his Majesty's ministers, that in consideration of the rank and privileges of that nobleman we had no right to press him upon these points. In answer to this doctrine, it was contended by us, that there did and must exist in this House a right to extract from any individual, brought before us as a witness, the fullest evidence upon all public transactions to which our inquiries were directed—that right we maintained to be indisputable, at the same time admitting that the extreme cases for its exercise were undoubtedly rare. But what course did his Majesty's ministers propose? What line of proceeding did they in the spirit of an affected candour recommend? They told us that there was an easy way to extricate us from our difficulty. That way they stated to be, to proceed by an address to the crown, calling for such documents as we supposed to have been delivered: and, in order to engage us more cheerfully to pursue their recommendation, they assured us of an answer most propitious to our wishes. Such was their recommendation to us; now mark the contrast which their subsequent conduct exhibits. When this very address is proposed which they themselves first recommended, do they fairly act upon their own recommendation? No. They pursue a line of conduct wholly inconsistent with their former professions; they endeavour to defeat it by every exertion within the grasp of their ineffectual power. Why do I mention this fact? I mention it, that this House should recollect it amongst the long and disgusting enumeration of similar measures of this administration.

To return to the immediate object of my present motion—We now know, from evidence unquestionable, that John, earl of Chatham, in a most unconstitutional and clandestine manner, as a minion and a favourite, has abused the royal confidence, at the same time, and by the same act, that he has violated the most sacred principles of the constitution.—This knowledge, I say, we are possessed of from undeniable evidence, and it only becomes this House to take the earliest opportunity of deciding upon that evidence and of expressing, by its recorded resolutions, its high reprobation and just indignation at such proceedings. Had it indeed been an ordinary member of parliament who had been thus guilty; had it been an individual unprotected by the privileges of elevated rank, there would in such circumstances be no necessity for the present motion. The case would have been long ago decided; the indignation of this House would have been before this time vented upon the offending individual. (Hear, hear!) Am I stating any thing which the examination of the noble lord does not fully warrant me in stating? I am confident that I am not. Compare the examination of lord Chatham, on the 22d of February, with his examination on the 27th of the same month; first with one another, and then with the answer, which his Majesty has been pleased to give to your address; and shall not this House act upon that paramount principle, that equal justice ought to be administered, and that the higher the situation of the offender, the greater should be its indignation and its censure? But the individual in this instance is a peer, invested with all the privileges of that exalted rank; still it is the right and the duty of every member of this House to observe upon his conduct, and that duty I feel myself imperiously called upon to perform.

I find then, that John earl of Chatham, the late commander in chief of the expedition to the Scheldt, did, without any consultation with his colleagues in the cabinet, as I most truly believe—without intimating his intention to his brother officer who commanded the naval force upon that expedition, and wholly unknown, save to the royal personage whose confidence he has abused, did I say communicate to that personage a narrative of his proceedings on that expedition, so far back as the 15th of January last. I find that it lay in the possession of that august personage, wrapped up in the most impenetrable secrecy—a secrecy desired by him who presented it, until the 14th of February last. At least, it remained wholly undisturbed until the 7th of that month, when for reasons as yet only known to the earl of Chatham, it was requested of the king to return it to him for correction. I say, reasons as yet only known to that noble lord, for I am sure there is no man who can deny that the reasons since stated by him are so inconsistent and contradictory, that it is impossible to assume that we are acquainted with his real motives. On that day however the noble lord applied to have the document returned to him, for the purpose of alteration. His request was acquiesced in; and what was the alteration which he himself has told you took place? He told you that it consisted in the omission of a paragraph, containing an opinion—an opinion, observe—yet when solicited to state the nature of that opinion, he declares his inability to communicate that most necessary information. (Hear, hear!) His examination proceeds; and the noble lord is asked, when this Narrative so altered was again presented to his Majesty? Mark his answer. He states, that it was tendered by him to his sovereign upon the 14th of February. Struck with the peculiarity of the term 'tendered,' I myself immediately asked the noble lord, what he meant by the expression he had thus used, and whether the Narrative upon that day had actually passed into his Majesty's hands? To this his reply was—that it had not. Here then was a paper presented upon the 15th of January last, conveying at least twelve direct charges against the gallant naval officer who commanded, with an opinion of the noble lord's affixed. An opinion! And am I not bound to presume, that such opinion, so communicated, now not recollected, by the noble lord, went to inculpate the naval officer against whom this very Narrative now revised, contains, as I before stated, twelve direct charges of misconduct? (Hear, hear!)

The House will recollect, that this Narrative in the shape in which it was originally presented, with an opinion affixed, was for twenty-five days in the hands of his Majesty—that there did not since occur any conference, any retraction—that even in its amended, or rather in its altered form, it was not read to the King—that it was not admitted to that royal personage to say to the noble lord, I find your lordship has changed your Narrative, have you also changed your opinion? Is not this an offence of the most aggravated nature against the first principles of our constitution? Is it not an offence that if suffered to escape without the recorded animadversion of this House, is pregnant with the most incalculable evils? Look at the period, when the House of Commons is called upon to exercise its duty upon such transactions. We are now approaching the close of a long reign of a monarch, who above all others, has lived in the hearts and affections of his people. But as a monarch has his peculiar virtues, so has every reign its characteristic features. Most truly can we say of the revered Sovereign of these realms, that his virtues are his own, and that whatever evils have occurred, are to be attributed to the servants who have been successively in the enjoyment of his confidence. What then has been the characteristic feature of this reign? Have we not been told by authorities the most entitled to veracity and confidence, that from its very commencement there has existed a secret, mysterious, and unconstitutional influence, which has set at nought that responsibility which the constitution demands from the advisers of the crown? Has not such a communication been made within the walls of this House, by him who had carried the reputation of this country to the zenith of its glory—by him, who, by his unsullied and exalted patriotism, had acquired that title superior to what united kings could bestow, namely, that of the first commoner of England; I mean him, afterwards created William earl of Chatham? In power, and out of power, in favour and in disgrace, that ever to be venerated statesman felt the malignant influence of this secret and monstrous conspiracy, which, as he declared existed behind the throne, and was greater than the throne itself. Has he not published it in those speeches, which we have authority to consider as his own; and yet we live in times, when for the very same declaration, men are actually suffering in your gaols. But, if its existence was heretofore problematical, we have it now before us unmasked and unravelled. Strange fatality! that in the son of that very man who first made the bold and awful annunciation, we should find one of the agents of that occult influence which the father so long depreciated and so long resisted.—Long has that fatal influence been but too successful in the accomplishment of its mischief! Vain has been the past efforts to resist or to expose it. Though certain in the realization of its views, it disappeared before it was detected. Whoever were the ostensible servants of the crown; however great and salutary the principles of their policy, or the objects of their administration, their labours were counteracted; their just expectations disappointed. However incessant the toil to weave the web, in one night, in one hour, this invisible power was able to unravel it. It like

> ————the drudging Goblin sweat
> To earn his cream-bowl duly set,
> When in one night, ere glimpse of morn,
> His shadowy flail had thresh'd the corn
> That ten day-labourers could not end;
> And stretch'd out all the chimney's length,
> Basks at the fire his hairy strength,
> And cropful out of doors he flings,
> Ere the first cock his mattin rings.

That his Majesty is not in any degree to blame, I am ready to admit, and that his sacred feelings are not to be violated by the course which I propose, is what I also contend. If his honour and his interests have been too long sacrificed to such an unconstitutional influence, it is right that his eyes should be at length opened; opened at the moment when this power is detected in its criminal influence, and unconstitutional exercise. It is right that Parliament should declare that the constitution of this country never will admit of any other advisers, but those who are the avowed, ostensible, and responsible servants of the crown. The House of Commons, now, that it has exposed to its view the exercise of this influence, should take care by the manifestation of its indignation, to warn others from a similar course in future. But in the present instance, is the danger of such an offence limited to a mere abstract violation of the constitution? Is it a simple sin, not aggravated by the consequences of any actual evil? See what the noble lord has done, and extend your thoughts to what might have probably been the consequence of such conduct. Could he have devised any thing more likely to produce dissentions between the military and naval service, and all that frightful train of evils to which such a calamity would lead? It has been the glory of latter times, that between the two descriptions of our public force, upon all occasions, where the interests of the empire called for their combined exertion, the most zealous co-operation has been manifested. During this long and disastrous war, disastrous as I may say, when applied to the attainment of our original objects, this country has enjoyed the happiness of finding upon no one occasion, the least recognition of those complaints which did unfortunately exist at other periods of its history, and which, if they had now existed, would have been felt in the loss of thousands of our gallant defenders: but, on the contrary, we have uniformly witnessed the same zeal, the same energy, and heroic devotion, animating both descriptions of our defence, each adding to the glory of the other, by the reciprocal assistance afforded when their conjoint operations were demanded.

I will not directly charge the noble lord with the intention of creating any disunion between the naval and military branches of the service, but I beg leave to call this House to the contradiction which exists between his own statements, together with their variance with the truth, which his Majesty's answer has unfolded. First, let it be recollected, that the noble lord determined upon his unconstitutional course, at a time when no inquiry into the Expedition to the Scheldt was intended; when in place of such a measure being intended, his colleagues in the cabinet had declared a contrary intention; when he must have known that they would exert all their power and influence to resist or evade it; when he could not contemplate that the public spirit of this House, in unison with the public voice of the country, would wring it from a reluctant but discomfited ministry. It was at such a moment, and under such a state of things, that the noble lord seized the opportunity of darkly and secretly stabbing the constitution of his country, or if not the constitution, of stabbing the naval reputation of sir R. Strachan. But he tells you, that on the 14th of February, he first presented this Narrative to the King. Why that particular time? Because it was a levee day. When questioned further for his reasons for delivering it at all, he states, that he understood it was the intention of sir R. Strachan to present a Narrative of his proceedings. He is further interrogated, and his answer is, that he was anxious that both Narratives should be presented on the same day, as he was unwilling not to deliver his before that of sir R. Strachan. Let the House remember, that the 14th of February was fixed upon by the noble lord, at a time when this House was ignorant, as were his colleagues, of any previous presentation. What were your reasons, (the noble lord is asked,) for selecting that day for this simultaneous operation between you and the naval commander? He had none. Had you any previous communication with that officer?—No. Were you called upon to produce such a statement?—No. Was sir R. Strachan?—I believe not. But you did deliver one on the 14th of February?—I did. Did sir R. Strachan?—I believe not.

Compare these statements with what we now know to have passed before, and there is, I contend, no necessity for comment. Compare his examination on the 22d, with his examination on the 27th, and there is, I contend, no necessity for comment. Yet, after all these statements, shall it be contended, that though twelve direct accusations are conveyed against the navy, there existed no wish or intention upon the part of the noble lord to impute blame to that quarter? What! Is the noble lord then to throw firebrands in sport? Indeed if it could be supposed that in the military service minds could be found liable to be imposed upon, and deluded by such a proceeding, then it were almost impossible to calculate upon the consequent evils. But I confess, as circumstances have now unfolded themselves, I am not at all apprehensive of such consequences; now that the dark and clandestine intrigue is exposed in open daylight, no difference between the two branches of the public service can exist. But both, will, I trust, continue to proceed, evincing the same zeal, cordiality and valour as have heretofore characterised their combined operations. That I may not waste the time of this House, or prevent abler men from addressing more persuasive arguments to its consideration, I now beg leave to conclude, not without some emotions of anxiety—not an anxiety proceeding from any doubts or fears that I entertain as to the propriety of the conduct which I have felt it my duty to pursue; but an anxiety created by the apprehension that I have not done full justice to my country—an anxiety I feel for the decision of this night. I still however, cannot anticipate one hostile objection to the resolutions I shall propose, when I remember what your recent conduct has been when you addressed the crown, even upon the suspicion of an unconstitutional proceeding. When, therefore, you find that the deed which you suspected has been done; when the undeniable proofs are before you, not to pass a vote of censure upon him who has offended, would be not only inconsistent with your former vote, but would be as highly derogatory from your character, as it would be incompatible with your most imperative duties, subversive of the most vital principles of the constitution. (Hear! hear!). On the contrary, should the vote of this night crown the labours of your former struggle against all the influence of power and favouritism, you will give the best answer to whatever has been stated to your prejudice, exemplifying an integrity of principle, and a spirit of patriotism, which could not be exceeded in any reformation which others, or I myself, would wish to see effected in the constitution of this House. The hon gent. concluded with moving. "1. That it appears to this House, that John, earl of Chatham, having requested his Majesty to permit him to present his report to his Majesty, and having also requested that his Majesty would not communicate it for the present, did, on the 15th of January last, privately transmit to his Majesty a paper, bearing date the 15th day of October preceding, and purporting to be a Narrative of his proceedings as Commander in Chief of his Majesty's land forces in the late Expedition to the Scheldt; and that he withheld all knowledge thereof, both from his Majesty's ministers, and the admiral commanding in the said Expedition, whose conduct is materially implicated in the said Narrative; that the same was, on the 10th day of February last, returned to him by his Majesty's command, in consequence of his own request; and that, on the 14th of February, he again tendered the said Narrative to his Majesty, the same having been previously altered by the suppression of a paragraph, containing matter of opinion, the substance of which, this House by the examination of the said earl of Chatham, has been unable to ascertain.—2. That the earl of Chatham, by private communication to his Majesty, accompanied by a desire of secrecy, did unconstitutionally abuse the privilege of access to his Sovereign, and thereby afford an example most pernicious in its tendency to his Majesty's service, and to the general service of the State."

The *Chancellor of the Exchequer* complained that a most unfounded misrepresentation had been given by the hon. gent. of his conduct. He had contended, that it was inconsistent to ask a privy counsellor and a cabinet minister to reveal what by oath he was forbidden to disclose. With respect to the inconsistency imputed to him in voting against the Address after he had stated it to be the proper course to address the throne on such occasions, the hon. gent. himself did away the charge while he made it.—He had said, that he would always maintain the right, but always contend for using it with discretion. Saying this, he admitted it to be a fair question, whether or not that was a time, at which it could be used with discretion? He therefore, thinking it improper, could consistently oppose it. With respect to the motion, he hoped the House would not be precipitate, and vote the Resolutions proposed without due consideration. On Thursday, when he was informed that notice had been given of such a motion, he had asked if it was just that the evidence given at their bar should be canvassed before it had been printed. It was not fair to select one or two questions from the evidence, for the purpose of creating a discussion. If that course were to be pursued, of what use was it to print the minutes of the evidence, as gentlemen, who on that account did not regularly attend, could not be prepared for the debate. The hon. gent. seemed, indeed, in some measure aware of the impropriety of taking up the subject in such a manner, as he had expressed an intention of putting the evidence out of the question. But had he not raised considerable prejudices against the individual whose conduct he had so fully discussed, by contrasting the evidence given by him on the 22d with that of the 27th, where it appeared to be of an unfavourable nature? Was it too much to require a short time to consider of it? Would it be well to hurry themselves on an occasion, which might consign the character of an individual to such obloquy as the resolutions went to throw on the noble lord? What advantage could there be in passing those resolutions on a Friday, that might not be gained if they were not decided on till Monday? Would it not be better to postpone them till then, that they might at least have the appearance of deliberatively considering the subject before they gave their vote? It was not well to decide on that evidence which had only been put into their hands since entering the House that day.—The hon. gent. had commented on the evidence given by lord Chatham on the 22d and 27th of February; but could it be supposed that the House was prepared to enter into the subject? If the conduct of the noble lord had been such as had been imputed to him, he should think the resolutions submitted to the House not sufficiently severe. If lord Chatham had endeavoured secretly to blast the character of sir R. Strachan, he would readily admit that no censure the House could pass on such conduct would be too severe. But was there any thing in the conduct of lord Chatham that could give a colour to such a charge? Was there any thing in his character that could justify such an imputation? He would have them try it by dates and by circumstances. If it had been his object to gratify any malignant motive, he was of opinion he would have adopted very different measures. He was not the advocate of the noble lord; under all the circumstances, he thought his conduct in presenting the Narrative such as no man could thoroughly approve; but it remained to be seen what degree of censure he might deserve. He would try the dates to see whether or not any malignant motive towards sir R. Strachan could be fairly imputed to him. If his Narrative was intended to injure the character of that officer, why in the name of reason and of sense, did he keep it back at all? On what principle could it be supposed that he delayed to present it till the 15th Jan.? If it were intended to injure sir R. Strachan privately, would lord Chatham ever have recalled it with a view to have it published? For the situation in which the noble lord stood, he felt himself to be in some degree responsible; and unless his mind changed very much, he would never place an officer in a similar situation, to unite in himself the cabinet minister with the general officer.—The inconveniences arising out of that circumstance, which he had not anticipated, were of such magnitude, that he would never again blend the two characters. If at a future period a member of the cabinet should be thought a proper person to conduct an Expedition, he would wish his functions as a cabinet minister to be suspended for the time. The noble lord, acting as he did, was certainly not correctly right, but it was not fair thence to argue that on any question he could not give advice without his colleagues being acquainted with the circumstance. He might have been in some degree driven into the measure by the popular feeling excited against him. It was not too much to say, that after the evidence had been given at their bar, the current of public indignation running unjustly strong against him, it was not unnatural for the noble lord to think it would not be prudent to produce his case or defence, before he knew what counter-statements were to be made, that such might not appear to answer his. Again, he wished the House to observe that he was not the advocate of the noble lord; though in the view he took of his conduct he could see error; he could not consent to bestow the epithets proposed; he could not accede to the resolutions. He did not wish to evade the subject; he merely wished to give the House a fair opportunity of reviewing the whole of the evidence. He had no objection to state what line of conduct he intended to pursue on Monday. He should move the previous question. —The Narrative had been spoken of as if it had been constructed with a view of creating differences between the army and navy? There were no more grounds for such a statement than if the substance of that Narrative had been given in evidence at the bar. The hon. gent. had stated the paper to have been drawn up by the noble lord at a time when he knew that ministers were determined to grant no inquiry. He denied the truth of that assertion. It was determined to give the House such papers as would prove that no culpability attached itself to the army or navy, long before the paper was delivered. It was for the House, then, to determine on calling for more if it should think more necessary, but, unsolicited, it was the intention of government to give so much at least. Gentlemen, however, on the other side thought they had nothing to do but to wait to see what government did, and then whatever line of conduct they might adopt, condemn their measures, and assert, that had the contrary course been pursued all would have been well. If the noble lord had merited the imputations thrown out against him, he (the Chancellor of the Exchequer) would have said that he ought no longer to have been a colleague of his. But under the present circumstances, if ministers had acted so, and said he should no longer have remained one of their number, it would directly have been imputed to them, that they had basely taken advantage of the slip of their colleague, and sacrificed him as a peace offering to the people, for that misconduct which ought to have been visited in vengeance upon the whole of his Majesty's government. He had no difficulty in saying, that under such circumstances in a balanced case, he would support

support a colleague. He begged, however, not to be misunderstood: he did not mean to say if a colleague was wrong he should, under any circumstances, be supported. But in a ballanced case, where a colleague was merely in error, he thought by deserting his cause, he should be exposed to more merited reprobation than could otherwise fall to his share, justice, decency, and propriety alike called on them to postpone coming to a decision on the resolutions that night; he therefore concluded by moving an adjournment of the debate till Monday.

Mr. *Brand* said, that in his opinion the proposition now submitted to the House went no farther than as being confirmatory of the facts contained in his Majesty's message. Having said so much, he should, notwithstanding, have no objection to adjourning the discussion till Monday. He could not forbear remarking, however, on the mode in which the Chancellor of the Exchequer had conducted the defence of a Cabinet Minister, in a matter submitted to the House as a great constitutional question, but which he wished to reduce to a mere personal consideration. Instead of treating the subject in a high tone, he thought, his hon. friend had introduced it with the greatest moderation. He was of opinion that the conduct of the noble lord had been highly unconstitutional. A great man, now no more (Mr. Burke) had described the secret influence of the advisers of the crown as destructive to the best interests of the country. On this principle he contended, that in the present instance the constitution had been outraged. His hon. friend had therefore, properly treated the question as affecting the constitution. It was in fact, a question of constitutional law, not at all one of personal application. If the evidence delivered that day had gone to affect this constitutional question, he should have been the most eager to postpone the consideration of it. As it stood, he confessed the evidence could have little effect upon his decision. A splended victory might apologize for a general's overstepping his duty; but here a favourite of the court was seen availing himself of the ear of his Sovereign, to prepossess him against another officer, in another branch of the service. The navy was the grand bulwark to which we must trust for humbling our enemies, and it was the duty of the House to see that no court favourite should presume to interfere to the prejudice of a gallant and meritorious naval commander.

Mr. *Batahurst* said, if this was a question, both of a constitutional nature and one affecting a private individual at the same time, it was desirable, that in attending to the one, the other should not be prejudged. He therefore wished the debate to be adjourned, not that he thought it material, if the question were taken on the broad principle, but because he saw both the Narrative and the Evidence adverted to in one of the motions. Gentlemen, who were not present, might attach some importance to this, and he wished, that there should be no excuse for saying, they had acted without evidence. He was free to admit, if he did not hear something much stronger than he had yet heard in the way of apology for the noble lord, he should not be able to find an excuse for his conduct, but, however reluctantly, must view it as making much more strongly against him than his right hon. friend seemed disposed to admit. His right hon. friend said, he trusted the House would see it to be their duty to pass it by, and agree to the previous question. This was what he could not agree in. If any thing of weight should be adduced, he should then have an opportunity of altering his opinion; but to this doctrine he could not at present agree. He did not wish to procrastinate, but he wished it should be impossible to say, that this had been treated like a party question, seeing it was so much beyond it, being one of great constitutional importance, in the consideration of which time was no object. He was desirous that no person should have it in his power to say, he had been taken by surprise.

Mr. *Whitbread* stated, that he understood it had been adjusted in his absence, that his motion was to proceed that night. He thought himself justified in bringing it forward to night, without the evidence being before the House, as it would be sufficient for him simply to refer to a few lines of the minutes lying on the table. It was somewhat strange in the right hon. gent. to ask the discussion to be postponed till Monday, and at the same time to state, that he would then move the previous question. He was willing to consent, however, that the debate should be adjourned till Monday, on this express condition, which gentlemen would think he acted not injudiciously in stipulating for, that nothing, so far as the right hon. gent. was concerned, should be suffered to interfere to prevent this business coming on first on Monday.

General *Loft* expressed his opinion that the noble earl would be found not to have acted in any respect unbecoming his character.

The *Chancellor of the Exchequer* acceded to Mr. Whitbread's proposition, on which the debate was adjourned till Monday.

HOUSE OF COMMONS.

Monday, March 5.

[THE EARL OF CHATHAM'S NARRATIVE —ADJOURNED DEBATE.] Mr. *Whitbread* rose, and moved the order of the day, for resuming the adjourned debate, upon the Resolutions he had moved relative to the Narrative of the earl of Chatham. The motion was put from the chair, and the debate resumed.

General *Craufurd* begged leave to preface what he had to say on the subject in discussion, by declaring every sentiment of party feeling and personal animosity to be totally absent from his mind. No person in that House, or, in this country, had ever seen him betray such feelings in word or action; and if he were to profess himself biassed by any partial feeling of friendship towards the noble earl, whose conduct was now under discussion, he should shew himself but little dexterous in the task he had assumed. The noble earl was accused of having delivered to his Majesty on the 15th of January, a Narrative of his proceedings upon the late Expedition to the Scheldt, without having previously communicated upon the subject with his colleagues. The noble earl had most distinctly disavowed the intention, that any opinion he had ever given should cast the most distant shade of censure upon the character or conduct of the gallant admiral, who was his naval colleague on that Expedition. The Narrative he presented, therefore, was a plain and simple statement of the grounds for his defence, should inquiry be thought necessary; but whether he was right or wrong in delivering that paper (and the honourable general was willing to admit it might be an error), yet most confident he felt, that he never was actuated, in that instance, in the slightest degree by the motives ascribed to him. The noble lord considered the paper as applying merely to his own conduct, and nothing else whatever. But such an intention as that of poisoning the King's mind against a gallant brother officer, never, in the slightest degree, occurred to his mind. If the noble earl had incurred blame by making this communication to his Majesty, without the consent or privity of his colleagues, he trusted that the House, under all the circumstances of the case, would consider it a venial error. The noble earl foresaw that some inquiry would take place.—He knew the moment the paper was in an official form, it would be deemed a public document; and, as such, would be called for.—He wished it to remain private for a short time, and not to offer it officially before it became necessary to his defence. Although, therefore, he had delivered it to his Majesty on the 15th of January, it was not made a public document until the 14th of February; because then the noble earl was aware that he should be put on his defence: and therefore, when the noble earl stated in his testimony that he had not delivered his Narrative until the 14th of February, he meant only that it did not become, till then, an official document; and therefore he could not refer to it as a public document before that date, as he had given it in the first instance merely as a private communication; and to divulge that circumstance would not have been consistent with his oath as a privy councellor. If the House, therefore, considered the motives which actuated the noble earl in this instance, they must extenuate his error, and acquit him of every intention of casting censure upon the gallant admiral, or to prejudice the King's mind against him. The House would likewise take into its consideration, the time when the Narrative was first delivered. Shortly after the noble earl's arrival from the continent, he was aware that some inquiry into the business of the Expedition must take place. This idea pressed upon his mind; and he saw, that, unless some satisfactory explanation was given, he must be tried by a court martial. It was to give this explanation that he drew his Narrative up, and to state what would be the grounds of his defence. If it were possible that he could have harboured the views attributed to him, would he have kept it back from the time of his arrival in October until the January following? Why did he deliver it then? Because Parliament was about to meet. If the noble earl had any intention to prejudice the King against the gallant admiral, would he have chosen such a mode to accomplish his purpose? To suppose such a thing would be to set down the noble earl as little more than a mere driveller.—Had he not daily opportunities of personal communication with his Majesty? and could he not, therefore, have used any one of those opportunities for conveying his accusations verbally in a way which would leave no trace behind, instead of making his statement in a written Narrative, which he knew must remain as a document, and which he meant should some day become official. Any member of a court martial, to which the noble earl might be eventually referred for trial, might have called for it. It must have been moved for by Parliament in the case of any inquiry being instituted there. The hon. general felt that if he had not stated these his opinions, he should not have done his duty; and he hoped the House, upon maturely considering all the circumstances, would, in its known justice and liberality, fully acquit the noble earl of those motives ascribed to him by other gentlemen, from no other cause, he was sure, than a different view of the subject.

Mr. *C. W. Wynn* had never had the honour of any personal intimacy with the noble lord to whose conduct the resolutions before the House applied. But there were other considerations of feeling and near connection, which would render it much more pleasing to him to give a silent vote on this question. The extreme importance of the subject, however, rendered it impossible for him to justify the vote he meant to give to himself, without stating the reasons upon which it was founded to the House. It was now, he must observe, allowed, even by the hon. general who had just sat down, that the conduct of lord Chatham had been erroneous. No man who possessed any parliamentary information or constitutional knowledge could commit his character by asserting the contrary. When this, then, was admitted on all hands, was the House of Commons, by not agreeing to the resolutions of his hon. friend, to put it upon their journals that such conduct was not erroneous? For that would be the effect of voting the previous question, which he understood was to be moved by the right hon. gentleman opposite. Lord Chatham, a cabinet minister, and also commander in chief of an important expedition, having given in to his Sovereign a statement containing heavy charges against a gallant admiral who had been employed conjointly with him in that expedition; and having, contrary to all constitutional practice, and the whole course of precedents, accompanied his statement with a desire of secrecy, it was impossible that the House of Commons could declare such conduct not only not erroneous but justifiable. It would be to hold out to all military men an encouragement to follow the same practice. It would, in any such case, be open to them to give in any statement containing any charges against other officers, with a request of secrecy, and without communicating it to the confidential servants of the crown, at least those who were formerly considered confidential servants; and then, if it was likely that the paper should be called for by that House, all they would have to do would be to demand the statement back, and expunge such passages as contained the most objectionable charges. This was a principle which he was persuaded that House would never sanction.

But it had been argued that the statement was not official till the 14th of February, when lord Chatham had given it in to the secretary of state by his Majesty's command, after having omitted, as appeared from his own evidence, that part which contained a particular opinion. He could not perceive the force of this observation, because he could not consider the original statement in any other light than as the official report of the proceedings of the army under lord Chatham. He could not conceive any thing which would ever more satisfactorily prove the statement to be official, than that it was given in to his Majesty with the signature, "Chatham, lieut. general."—If it had been a private communication, and not an official one, it would have been signed in the ordinary manner, "Chatham." But there would be an end of all responsibility of ministers, if the doctrine now set up were to be admitted. All that any minister need do in that case, to avoid responsibility, would be to say, that any advice which he might have conveyed to his Sovereign, was a private communication. He for his part could not conceive how any paper presented to his Majesty respecting a public measure could be considered in any other light than as an official document. If it had not been an official document till the 14th of February, he would ask what act of lord Chatham had made it official then?

He had, it appeared, then tendered the Narrative to his Majesty in the same manner as in the first instance. His Majesty, however, having reflected upon the business, and recalling the examples of his own uniform conduct, and the practice of all the constitutional monarchs who preceded him on the throne, directed the noble earl to give the Narrative in the regular way to the secretary of state. If his Majesty had given the same directions in the first instance, was any gentleman prepared to say that the paper would not have been official? He felt it necessary, therefore, for the character and dignity of that House, to follow up the address of the former night, by the adoption of the resolutions then under consideration. They could not have had the slightest suspicion that such a paper existed, till it was moved for, and presented for their inspection. The House was now in possession of the whole business, and was bound to prosecute it to some satisfactory issue. They were particularly called upon to adopt this course, because they had been left to themselves to sift the transaction as they could, and had come at the circumstances merely through the examinations at their bar. Lord Chatham might, if he had thought proper, have required permission to correct his former evidence: he might have, in that case, admitted, that he had previously conveyed to his Majesty a paper, which paper he had afterwards requested back for the purpose of omitting a particular part; and that the paper before the House was the same as the original paper, with the exception of that omission. Had this been done, it might have presented the case in a far different light: but no, the noble lord left the matter to take its course. Was such conduct, he would ask, justifiable or not? The House would recollect the circumstances of an inquiry which took place respecting the disposal of a seat in parliament so late as last session, In that instance the noble lord (Castlereagh), whose share in the transaction was under discussion, had candidly admitted that his conduct had been incautious; and it may have been to that admission that it was owing that no further proceeding was taken by the House upon the subject. The House had, on a former night, considered it so alarming that a private paper should be given in to his Majesty, without the privity of his other confidential advisers, that an address was voted to his Majesty with a view to its production. When they recollected how they had come at the knowledge of such a paper having been presented to his Majesty—when they weighed all the circumstances of the case, and looked to the conduct of lord Chatham—it was impossible for them to be so insensible to what was due to their own character and dignity, as to declare by their vote, that such conduct was in the slightest degree justifiable. Upon these grounds, therefore, he should feel himself bound to vote for the resolutions.

Mr. *Stephen* said the question really was, whether the House should now pronounce the very serious opinion on the conduct of the earl of Chatham, which the resolutions proposed, pending the inquiry at their bar. He for one had not heard, yet, any argument to justify him in pronouncing so very serious a censure on the conduct of the noble earl. The House would not act consistently with itself, if it were to agree to the resolutions, and to suffer the matter to rest here. But, before he could be brought to concur in the severe censure now proposed to be passed on the noble lord, he must examine a little more into the nature of the charge and the premises on which it was built. He did not observe that the statement contained in the report was charged as being false or insidious. He did not hear it characterized as containing express or implied reflections on the other commanders; or that it was an attempt to poison the king's mind. But the motion was founded on the mere abstract fact, that the noble lord did present a paper to his Majesty, desiring at the same time that it might be kept secret; and, on this foundation, it was assumed that the noble lord, a cabinet counsellor, had violated that sacred system, the British constitution. If it had been said, that by presenting the paper in question, the noble lord had intended to prejudice his Majesty as to the conduct of the other commanders employed in the service, then he should have said that the truth or falsehood of the charge should have been inquired into; and then too, he should have had an unanswerable objection to state to the present motion—the House had not yet finished the evidence.

That the naval commander on the late Expedition instead of censure or insinuation of any kind, was justly entitled to the thanks of his country, he (Mr. S.) entertained not a doubt. He could not, however, sitting in judgment on lord Chatham, feel himself entitled to take that for granted, and to find, without proof, that such was the fact. But, if the principle was so laid down, that the mere presenting a paper, and requesting that it might be kept secret, was a violation of the constitution, he must deny that it was any violation of the constitution. In what law or charter, in what dictum even of any theorist could it be shewn to have been laid down, that to present a paper to the king, and to require secrecy concerning it, was a violation of the constitution (Cries of hear, hear!) From the acclamations of gentlemen opposite, he presumed he should shortly be obliged to take shame to himself for his ignorance in this respect. He should bow with submission to such authority when he saw it, but at present, he could only repeat again his former assertion. In the practice of this country, and in the progress of its constitution, he ventured to assert, that no such principle had been countenanced, and it was only from our written law and from established precedent that we could judge upon such a question. He did not stand there to defend the noble lord from error. He admitted, with other gentlemen who had already spoken on this occasion, that the noble lord had acted erroneously and unbecomingly. He would even go farther, and would admit, that the noble lord would have acted in a way more befitting himself, and more properly with respect to that House, if he had at first declared what had passed.

But admitting all this, he could not go the length of saying that the noble lord had violated the constitution. It was not because a thing had a dangerous tendency, that it was to be visited in the way the present motion suggested. Luxury was dangerous to the constitution: (a laugh, and cries of hear, hear!) but it would rather be going too far to contend, that because a man chose to give a grand and voluptuous entertainment, he should become the object of severe censure as guilty of an offence against the constitution. He could mention other things which were still more dangerous—Party spirit—factious combination! (repeated cries of hear, hear! from the Opposition bench.) He knew he had touched the spring, by which gentlemen opposite to him were most easily moved, which vibrated with most elasticity in their bosoms. These were infinitely more dangerous than the influence of the crown, of which so much had been lately said, but he was sure, gentlemen on the other side would not say that those who were guilty of such dangerous practices, were, on that account, to have their conduct stigmatised in the manner now contended for.—He, therefore, for these reasons, was desirous of not being pressed to give a definitive vote on the subject as it now stood; and, as the present motion went to pass a high censure on a British subject, without any previous investigation into the justice or injustice of it, if called on, he must vote in the negative.

But there was another question of very material importance, and it was this; though the motion proposed might at one time or other be proper to be adopted, whether this was the time? In his opinion, the noble lord had been hardly dealt with, and had much to complain of, in having been made the object of unfounded clamour, unjust prejudice and unbounded calumny. So natural had it become for the people of this country to think that no blame could attach to our navy, that it was almost now a matter of course to attribute failure, when it did occur, to the army or its commander, and to exculpate the navy from any share in the cause of the failure. He himself was one of those who had been infected with this malady, and he was one of those, in particular, who, in his own mind, did not do justice to the noble lord. He confessed he had not had leisure to read all the evidence; but, with all the attention he had been able to bestow upon it, he was free to declare that he did not see a single line which gave countenance to, or rather, which did not completely answer the public calumny and clamour with which the noble lord had been loaded. He (Mr. Stephen) was an utter stranger to the noble lord; he had never been in his company in his life. He looked to him only as a British officer; and he begged his pardon as he felt sorrow for having entertained the opinion which he certainly did at one time entertain, prejudicial to the conduct of the noble lord in the late Expedition. He was satisfied, from the evidence, not only that there was no ground for the censure re-echoed by various Journals against the noble lord, but that he did all that could be done; even that he had the merit of saving the army of which he had the command, seeing that he had already done all that could be effected. He believed he might even say, that lord Wellington, and that was no light praise to any general, of whose gallantry and enterprize he had as high an opinion as he could have of any man, if he had been at the head of the army, could not have accomplished more; and that he would also have ceased to attempt what was impossible to be accomplished. The prosecutor in the Inquiry had closed his case, so he felt himself entitled to state this as his opinion, and that he could not go the length of these motions. He could not admit presumptions to weigh against the noble lord who certainly had some hereditary claims to a patient hearing in that House. He had also dispensed with his privilege, and come to the bar of that House to be examined, thereby clearly shewing that he had no wish for concealment of any part of his conduct.

When the existence of the Narrative was first discovered, he would appeal to the House whether it was not supposed that it contained some vile and dark insinuation against another officer, which was now ascertained not to be the fact. The paper had been undoubtedly presented in a manner not perfectly regular, and now it was wished not to wait till the inquiry was concluded, but to cut the matter short; what would be the result of adopting the resolutions if not to stop the course of the inquiry? (Cries of hear, hear! from the Opposition bench.) He was quite accustomed to be answered by these O. P. arguments on the other side. (Hear! hear!) He hoped they should be spared the O. P. dance. (Hear! hear!) The last night he had occasion to address the House, gentlemen on the other side were grudging them the interval even of a single day from the inquiry, urging it on as if nothing else was of any moment. But so soon as they found that they were likely to be disappointed in the expectations they had derived from it finding that the expectations they had so confidently expressed, of making it the means of accomplishing their grand aim—the turning out of ministers, were to be disappointed, then they introduced this episode, calculated to hurry on at least in part the originally intended catastrophe. If they were to be disappointed of turning out all the ministers, as they once expected, they hoped that by this motion they might at least get quit of one of them. Now for two days had they been employed in this attempt. They wished to carry the point now, and not to allow him time for the noble lord's defence. They turned round on him even when making his defence, and tell him, "We will punish you even for the defence you wished to make. It is a libel."—In any court to do so, he had no hesitation in saying would be unjust. Yet those who supported the present motion seemed to think it quite fair to tell the noble lord in the first instance, that he had done something which disqualified him from holding his situation, and afterwards that they would inquire into the merits of his case. He maintained that there was no such urgency in the business as to call for the immediate adoption of the Resolutions. Not only was the charge made against the noble lord, not a violation of the Constitution, but to say so, while verbal communications might be made without detection, unless by the evidence of the Sovereign himself, would be to hold, that one avenue for such communication may be open, while another may not. This would indeed be to treat the noble lord harshly.

He did not ask indulgence for that noble person because he was the son of one, and the brother of another William Pitt. He did not appeal to the Catos and Brutuses on the other side. But when he heard the tones of the noble lord at the bar of that House, and observed his features, they recalled strongly to his mind the recollection of the latter illustrious man now mouldering in the tomb. He had received no favours from the late Mr. Pitt. He was scarcely known to him. There were gentlemen in that House, however, who stood in a very different situation. He called on them to assist him. He called on them to see that the son of lord Chatham and the brother of Mr. Pitt should at least have justice done him. He was not one of those, who thought that the merits of an illustrious father should excuse the offences or even the faults of the son; but at the same time he would not pluck stones from the monument of the father to bruise the head of the son; it was intended, he thought, to use the noble lord in this manner on the present occasion, when certain passages were quoted from the speeches of the illustrious father in support of the heavy charges against the son. The error into which the noble lord had fallen was in a great measure to be pardoned, when he found that instead of being wreathed with laurels he was loaded with calumny, though in his anxiety to vindicate himself in the eyes of his royal master he had forgot the mode and the manner. Let it not be forgotten, however, that he was not the first who had thought proper to offer what might seem justifications of themselves. Dispatches from the naval officers had been received which could be construed into nothing else. The noble lord, therefore, only put in for himself and the army, a similar justification as had been previously made for the navy. This was the very head and front of his offending. But he could not help thinking that the gentlemen on the other side had shewn somewhat of an officious regard for the individual character of ministers; for whenever one of them had the appearance of defending his own character, at the expence, as they supposed, of others of them; these gentlemen of opposition became as it were masters of the ceremonies for ministers, and insisted on shewing them all possible civility. This tenderness for their individual reputation could not be mistaken—it had a suspicious resemblance to a desire to promote discord amongst them. The hon. and learned gent. concluded with observing, that these Resolutions were such as he could not assent to as an honest man—they would, at least, be premature, even if they were in themselves just, which he did not admit; and therefore he should now move the previous question.

Mr. *Brougham* felt himself called upon to offer himself to the notice of the House, by the appeal made by his hon. and learned friend. His hon. and learned friend had called upon gentlemen to state what law, what statute, or charter made the conduct of lord Chatham, in presenting his Narrative to his Sovereign without the privity of his colleagues, and with a request of secrecy, a violation of the constitution. He had risen humbly to tender the answer to that question to the House. As he felt it forcibly, it would be his fault if he did not explain it satisfactorily to the House. But as his hon. and learned friend had introduced much extraneous matter into his speech, he should first feel it necessary to make a few observations upon that part of his hon. friend's speech before he came to the immediate object he had in rising. It was certainly not his wish, that the son of Chatham, and the brother of Pitt, should not have justice done him in that House. He was ready too to assent to every commendation which had been bestowed upon the general conduct and character of lord Chatham. True it was, that lord Chatham had been most grossly calumniated—true it was, that he had been basely traduced by the whole of the press under the controul of the government—true it was, that every effort was made to vilify his military character, and tarnish his professional fame. His hon. and learned friend and the House would perfectly recollect, that until the commencement of this inquiry the impression upon the public mind had been, that it was owing to lord Chatham that an expedition, the most important that had ever left our shores, had failed—that it was owing to lord Chatham, that an enterprise, having for its object the destruction of the enemy's naval force and arsenals in the Scheldt, had terminated in disgrace and failure—that the lamentable disappointment of all the sanguine hopes of the country, from an armament so great and powerful, was wholly owing to lord Chatham. These were the calumnies against lord Chatham, which had produced the unfavourable impression against his lordship, whilst asserted with confidence and uncontradicted by authority. He agreed with his hon. and learned friend, however, that it was more dignified in that noble lord not to take any notice of these slanders, than, by descending to any refutation of them, to give importance to his base and unprincipled calumniators.

But it was not his intention on that occasion to go farther into that part of the subject, in order to shew, that lord Chatham had been thus foully calumniated. Having stated his concurrence with the opinion of his hon. and learned friend upon this point, it remained for him to make a few observations upon those points in which he differed from him. But he must first remark, that many of the observations of his hon. and learned friend went directly in support of the arguments of those who meant to vote for the resolutions. It was admitted by his hon. and learned friend, that the conduct of lord Chatham had been improper and unbecoming. There was then but a trifling difference between what was thus admitted by his hon. and learned friend, and what was contended for by those, who supported the resolutions. The distinction was so minute and unpalpable that he was surprised it could have produced any variation of opinion.

He came next to shew how the conduct of lord Chatham was a violation of the constitution. The resolutions under discussion, it must be observed, did not aver, that any thing false or insidious was to be ascribed to lord Chatham, or that he had taken advantage of his easy access to his Majesty to poison the Sovereign's ear against any man, or class of men. Whatever insinuations of that description might have been made, they had no possible means of coming at. They had enough, however, before them, in the answer of his Majesty to their address, and in the evidence of lord Chatham, to prove, that a Narrative had been presented or conveyed privately to his Majesty, with a request that it might be kept secret. It was impossible to suppose, that the noble lord had intended to mock his Sovereign—the Narrative must consequently have been presented with a view to impress upon his Majesty's mind, some representation upon the subject to which it related. Afterwards the Narrative was taken back for the purpose of omitting a material discussion, as appeared from the evidence of the noble lord himself. This being the state of the case, there was nothing stated in the resolutions charging any part of the contents of the Narrative as a breach of the constitution. It was the privacy with which the affair was conducted coupled with the request of secrecy, that constituted the violation of the constitution. It might be difficult for him perhaps to point out any particular act of parliament making such conduct a violation of the constitution; but he could confidently appeal to any one of those sound and established principles, of which the constitution is made up, or rather which form the constitution itself. Was it not necessary that the constitutional ministers of the crown should communicate with each other constitutionally and confidentially upon all public affairs? Was it not requisite that they should conduct the business of the government with united councils, and mutual advice and co-operation? Were they not bound by every obligation of duty, and by every principle and the uniform practice of the constitution, to devise in concert all the measures essential to the public interests and welfare? And was it not necessary, that they should consult and deliberate together previously in order to an effectual co-operation afterwards, in the execution of all the various measures of the government? Here, however, they found lord Chatham separating himself from his colleagues, and tendering a statement secretly to his Majesty, that is, giving his advice to his Sovereign without consulting the other members of the administration. They found him not only doing that, but coupling it with a request of secrecy? But, above all, he would ask, whether it was not necessary that they should have some person or persons responsible for every act of the King or of the state?

When the noble lord thus communicated his advice secretly to his Majesty, how was it possible for them to look to his Majesty's ministers as responsible for what they knew nothing about? And here he would remind his hon. and learned friend who had expressed so eloquent an eulogium upon the great lord Chatham, that that illustrious person had passed his whole life in fighting the battles of the constitution. He it was, who had denounced the existence of "that secret influence behind the throne, which was greater than the throne itself." He must also call upon the House to recollect the last act of his ministerial existence, when he resigned his office, because he would not be "responsible for measures over which he had no longer any controul." He called upon the House therefore earnestly to fix their attention upon that conduct, and then decide whether they could pass over the present case without some marked declaration of their sense of its unconstitutional nature. It was unnecessary for him to take up their time by pointing the attention of gentlemen to many cases; but for the sake of the argument, he would suppose one case. If an expedition were determined upon by the cabinet, one minister, under the influence of this system, might suppose that the object in view was to be best attained by artillery, and give advice to that effect to his sovereign; another by infantry; another (as in the late case) by a *coup-de-main*, whilst another might give the preference to a division of light horse. Every one might have a different opinion, and all agree only in one thing, that their advice should be kept snug and secret in the possession of his Majesty. Could any gentleman conceive a greater degree of confusion worse confounded than would result from such a state of ministerial separation? But it had been argued by his hon. and learned friend, that as the inquiry was not yet brought to a conclusion, it was impossible for the House to come to any final decision upon this question; yet he must remind the House, that the charge against lord Chatham, for the secrecy of this unconstitutional proceeding,

ceeding, formed a wholly distinct and entire act, the decision upon which could have no effect whatever upon the progress or termination of the inquiry. They had the admission of lord Chatham, and the answer of his Majesty, to establish the fact; and he should wish to know, whether, if they were to reject the resolutions, there would not be an end in future of all responsibility on the part of his Majesty's ministers. It was in a spirit of fairness to the colleagues of lord Chatham that he called upon the House to agree to the resolutions; for it would be injustice to them to hold them responsible for what they were not and could not be acquainted with. He should call upon the House, therefore, to support these resolutions, in justice to the principles of the constitution, in fairness to his Majesty's ministers, from a regard to the honour of the crown, in securing from violation that insuperable barrier, which guards the personal inviolability of the Sovereign, by casting the whole responsibility of all his acts upon his advisers. He had to apologise to the House for having taken up so much of its time; and for the reasons he had stated, should vote for the resolutions of his hon. friend.

Mr. *Bankes* had listened with the greatest pleasure and attention to the hon. and learned gent. and more particularly so because he had professed at the outset of his speech, that he would give a distinct answer to the appeal of the hon. and learned gent. who preceded him. Upon the answer to this appeal, in his opinion, must depend the decision of the whole of this momentuous question. The learned gentleman no doubt stated the whole of what occurred to him on the subject; but still he had not in what he had so stated satisfied his mind as to the violation of the constitution. He must remind that hon. and learned gent. when he talked of the constitutional obligation of the members of the cabinet to act in concert, that the cabinet council was totally unknown to the constitution. It was an institution of modern introduction, and might have been an imitation, as it was certainly an improvement, of the cabal of a former reign; but the learned gentleman, he apprehended, would not easily find any act or statute, where the relative duties of the members of the cabinet were defined. In old times the privy counsellors were the constitutional advisers of the king. He begged here to state the grounds of the vote which he meant to give, and these he believed were forcibly felt by some of those gentlemen, who conceived it to be their duty to vote for the Address on a former night.

The ground upon which he voted for that address, was not connected with any constitutional principle; but simply because the House having had one narrative laid upon its table, and having reason to suspect that another, and a previous one, was in existence, he could see no good ground why the House should call for the second, and not for the first. With respect to the question immediately under consideration, he should be glad to be informed upon what constitutional ground it was, that a cabinet minister, one of his Majesty's confidential servants, should not have direct access to his Majesty? If such a person should give his Sovereign advice without consulting or communicating with his colleagues, that would certainly be an offence towards them, but no violation of the constitution. Could it be contended that lord Chatham, after the termination of the Expedition on which he had been employed, could not, constitutionally, give, in writing, that statement of his proceedings, which he might verbally communicate to his Sovereign? For himself, he thought it was perfectly optional with lord Chatham whether he would give his statement in writing or orally. They had no evidence why the statement had been given in accompanied with a request of secrecy. That might have been drawn from the noble lord on his examination, if it had not been for the interruption that had occurred. It had been said, that the part expunged contained serious charges against another service, and against the gallant admiral who commanded that part of the conjoint force. If that were so, it would be a heinous, immoral, and criminal act, but not a violation of the constitution. This point had, he thought, been pressed too hard in the opening speech of the hon. gent. though it was not adverted to in the Resolutions. Nothing could be more dangerous than to make charges against individuals of crimes not distinctly defined. But what would be the situation of lord Chatham if the Resolutions were agreed to? It was not because he was the son of the great lord Chatham, or the brother of Mr. Pitt, the greatest friend he (Mr. Bankes) or this country ever had, that he thought these Resolutions ought not to be voted, but because it would be frightful to establish the horrid tyranny that would be the consequence of adopting the principle on which they were founded. If the hon. gent. should succeed in his present object, he must be, in consistency, bound to follow it up with an address for the removal of lord Chatham from his Majesty's councils and presence for ever; and all this for an imputed breach of the constitution.

The constitution, he must observe, was an old work; there were many editions of it; and every one had his own reading. He should tremble at the consequences that must ensue, if once a majority should take upon itself to give an arbitrary interpretation of the text. Nothing could be more dangerous, than that the House of Commons should take upon itself capriciously to declare what was the law of the constitution upon the first view of a case, such as that under consideration. The constitution had powers to guard it from invasion. The responsibility of ministers for the advice they gave to their Sovereign, was one of those powers. But for advice not acted upon, there could be no responsibility, because there was no practical result, and consequently no guard provided. In his early political life he had heard much of secret influence, which he never supposed to exist to the extent asserted in the clamours against it. The sanction of lord Chatham's authority to this clamour had given it more currency than it deserved. His Majesty's ministers were responsible whether the advice came from secret advisers, from the King himself, or from them. He could not suppose that any set of men would be base enough to act with responsibility under irresponsible advisers. There were no constitutional means of punishing secret advisers: the responsibility attaching to the men alone who act. Nothing, therefore, could induce him to say by his vote, that the matter stated in the first resolution was a violation of the constitution. But, if a doubt could exist upon the subject, what an injustice would be done to the individual by voting his conduct a violation of the constitution! He did not wish to shelter himself under the previous question, but would be ready to meet the Resolutions with a direct negative. The hon. member then proceeded to shew, that the narrative contained no charges against the admiral or the navy, and that it had been given in, in its amended form, at a time when lord Chatham had no idea that he should be examined before that House. He did not think, therefore, that, according to any law of the constitution, lord Chatham could justly be punished for giving in this Narrative, which at worst could only be considered as an error of judgment. He called upon the House to remember how fluctuating their decisions were, and lamented the revival of the old popular clamour about secret influence. He was of opinion, that his Majesty had an undoubted right to call upon any of his subjects for advice; and he concluded by saying that he was prepared to vote against the Resolutions.

Earl *Temple* could not conceal his surprise at the constitutional ideas of the hon. gent. who had just sat down. Where was it possible for him to have learned his theory of the constitution? or, where had he learned its history? Where had he learned that most choice and curious fact, that the cabal was the parent of the cabinets? He for his own part, had conceived, that every man in public life must have known the facts and events of public history, so far as to secure him against ludicrous error. At the time, to which so many allusions had been made, certain members of the privy council (and one person not a member) attempted to engross the royal mind, and act as the sole advisers of the crown. The cabal which these five persons formed, was overthrown by the advice of sir William Temple, and the cabinet composed of a committee of the privy council substituted in its stead. The great writers, the eminent patriots, the leading parliamentary speakers of that and the succeeding age, have stigmatized the cabal as one of the vilest and most atrocious devices to alienate the Monarch from the subject—an extreme point—a landmark to distinguish the spot where the rich and precious freight of the nation's liberties was near being cast away. This was not now to be set up as a vindication of lord Chatham's conduct, or as a guide to that of the House. But it had been triumphantly asked what principle of the constitution was violated by lord Chatham's conduct? Was it then nothing, that he had assumed to himself the office of giving clandestine evidence in his own cause, and for his own defence; or that he had put himself into a situation to poison the royal ear against the affection, the feeling, the loyalty, the fame of his faithful people.

It must not be supposed that in saying this, he spoke from any private hostility; far from it, his feeling led him quite the contrary way. If it had been a question respecting the private honour or the personal conduct of the noble lord, as a private man; if the offence had been of a nature, which he could scarcely suffer himself, even in imagination, to impute to that noble person, he could not have put himself to the pain of pursuing his crime to punishment; he would not have raised his voice against the individual; but it was not now with the individual, it was with the general, the minister, the privy counsellor, and with a man found wanting in each and all of those capacities, that he came into examination. What was then the offence of lord Chatham? That he did not give his advice to the King in a form that was cognisable by the constitutional authorities of the country? Why did he presume to tell the House that his Narrative was presented at one time, and afterwards, that it had been presented at another? Why did he attempt to suppress the circumstance, till the reluctant confession was wrung from his lips by this House? He had heard some serious appeals made to the feelings of the House by an hon. and learned gentleman opposite (Mr. Stephen), and the memory of Mr. Pitt had been called up to throw the shade of his talents and his virtues over the unconstitutional conduct of his brother. The spirit of the great lord Chatham had been adjured with a solemnity equally unnecessary. But was this tirade of feeling to insult the justice of the country? When it was considered in what the merits of that admirable father, and of that lamented brother, consisted, he was surprised that the mind of that House should be forced to "look on that picture, and on this." It was the similarity not of name, but of principles, that was required to sustain the character of men. —This (said lord Temple) is the first time that I have ever ceased for a moment to regret the death of Mr. Pitt. What would have been the feelings of that memorable man on this occasion, if he had heard, among all the follies, and errors, and calumnies that have just arisen, the favourite service of the country, the British navy, the pride of the world, disgraced, and that by his own brother?—(Cries of No, no! from the treasury bench.) This clamour was nothing against fact. He appealed to the very language of the Narrative. The introduction of the charge against the noble lord had been called an episode; but if it were, it was the work of the noble lord himself; every line and incident of the piece had received their form and finish from himself. It was true that nothing could be more dangerous than to take the reading of the constitution from the capricious decisions of fickle and varying majorities. With this position of the hon. gent. he fully agreed, but there was a further one in which he could not discover whether that gentleman was in jest or earnest. He had said, if public men could be found base enough to submit themselves to the dictates of men, over whom they could have no controul, with whom they could have no responsible connection, or of whom they, perhaps, had no knowledge; those men must themselves be the immediate objects of public contempt and public reprehension. This he thought the truth, and nothing but the truth. Let him compare his conjecture with the fact. Let him try how his principle would work in practice. But if those Resolutions were not suffered to pass, no matter what obloquy, no matter what shame, no matter what fear, might belong to the office, there would always be found men base enough to prefer even a degraded emolument, to the cause, the glorious and ennobling cause of their country.

Mr. *Stephen* explained. He by no means called on the House not to proceed against the noble lord for the sake of his father and his brother; he had only said that the words of William earl of Chatham ought not to be quoted to aggravate the accusation against his son, and he had only conjured those who venerated that illustrious character, and who were attached to, and had been obliged by Mr. Pitt, to assist his feeble efforts in the defence of the noble lord against the stream of party spirit, and to rescue him from the grossest injustice.

Mr. *Johnstone* said, that he came down to the House with a conviction that the conduct of the noble lord demanded the adoption of some serious resolutions. But the speeches of his learned friend (Mr. Stephen), of whose judgment and talents, he had the highest opinion, and of the hon. gentleman opposite (Mr. Banks) although very different from each other, led him to doubt the accuracy of his own judgment upon the question. He certainly did not conceive that the conduct of the noble lord had been more unconstitutional than the conduct of the late duke of Portland and a right hon. gent. now out of office, with respect to the secret advice given by them, and affecting a noble lord who was their colleague. His idea of the affair was, that lord Chatham had acted improperly, not as a cabinet counsellor, but as a general of the army, and he wished that some resolution should be adopted to prevent the recurrence in future of such a proceeding.—He was not prepared to agree to the strong resolutions proposed, which would go to disable the noble lord from serving his Majesty in future—to that length he would not go. He had not the honour of being much known to lord Chatham.—Were it not indeed for the peculiar circumstances of the case, he should not have boasted of being at all known to the noble lord; but he would say, that every one who had the honour to be acquainted with him, must be aware that of the various public men in the country no one was more eminent for candour, fairness, and sincerity. In the proceeding which he had adopted, the noble lord must have been led into an error. He was sure that the hon. mover of the resolutions would not believe in his cooler moments that lord Chatham's Narrative was presented to his Majesty with dark, malignant, and insidious views. He did not deny that the Narrative contained imputations on the navy, but he denied that the noble lord was actuated by motives such as those ascribed to him by the hon. gentleman. It appeared that the noble lord had been sent to execute a service which could not be performed. To obviate the effects of public censure he had, too hastily perhaps, prepared his vindication, and had presented it to that person whose estimation he was most solicitous to preserve.—With regard to the secret influence which it was asserted had existed during the whole of the present reign, he could not conceive how it could be going on for fifty years without any one pointing his finger and venturing to say "there is the man." During the long administrations of lord North and Mr. Pitt, no such discovery was made. He could not believe it then to exist. The public had long imputed to lord Bute that he was the secret adviser of the crown; but it was now a well known historical fact, that so far from being the adviser of the crown, lord Bute complained of having been neglected by it. The present detection indeed was to him a complete proof that secret influence had not existed in the way in which it was supposed to exist; for otherwise, was it credible that secret advice should be detected in twenty days after its communication? A danger greater than that arising from secret influence appeared to him to have threatened the constitution on the coalition of lord North and Mr. Fox—namely, the union of all the aristocratical families of the country. He would not vote for the previous question, neither would he vote for the honourable gentleman's resolutions; but he wished that the House would record on their journals some resolution, which would effectually prevent any person in the naval or military service of his Majesty, from approaching his Majesty with a narrative of his conduct in any other way than through the medium of the constituted authorities.

Lord *Folkestone* agreed so far with the hon. gent. who had just sat down, that he thought the cry of secret influence had been much exaggerated, that it was in truth little more than a bug-bear; it was not therefore on the ground of secret influence that he should vote for the resolutions proposed. It was a principle in the constitution that the King could do no wrong, and it was also a principle in the constitution, that the King's advisers should be responsible to the country for the consequences of their advice. Now he contended, that if advice was allowed to be given in the same manner as lord Chatham had communicated his Narrative, and with the same request of secrecy, that it would be impossible to be furnished with that overt act, which was indespensibly necessary to be possessed of to manifest the intention of the individual. A gallant officer who had opened the debate, had said much upon the unfairness of imputing motives to lord Chatham: he seemed to have the advantage of being in possession of that noble lord's motives, but he turned from motive to fact—from intention to mal-conduct. Why, that hon. general could not well dispute that lord Chatham had, in the conduct he had pursued, been influenced by certain motives be those motives what they might. Now as for him (lord Folkestone) he had no other way of judging of any man's motives than by his actions; and he confessed that in the present instance he thought lord Chatham's conduct of a nature to warrant the strongest suspicion of his motives. What has been in fact the conduct of lord Chatham? He drew up a secret Narrative of a great public transaction, and presented it to the King, with an annexed condition of secrecy; and this Narrative contained more than insinuations against the navy. Yet no shadow, no trace, no feature could now be recalled to the mind of that noble lord, of that part which he had written of which he had repented after it had been left to do its work upon the royal mind for a month. The gallant officer had asked, was there any thing clandestine in the noble lord's proceedings; He would answer, that he knew of nothing that could be more clandestine. The presentation of the paper was obviously clandestine; it contained charges, or, at least, insinuations, and yet, though avowed to be exculpatory of the party presenting it, was required to be kept secret. He acknowledged that such conduct did awaken in his mind strong, nay, the strongest suspicions of bad motives.—It had been said by an hon. gent. on the floor (Mr. Bankes,) that it was dangerous to visit an act with punishment where the offence was not clearly laid down and defined. He agreed with that hon. gent., but did not think the observation applied to the case before the House. No man could be ignorant of the degree, nature, and extent of lord Chatham's offence, who was not ignorant of the constitution itself; and he thought that the proposition of the hon. gent would have applied more fairly, and might have been more justly admitted as a plea in the case of an unfortunate man (we presume Mr. Gale Jones,) who had lately fallen under the displeasure of the House, and who was now suffering punishment for an alledged offence, which gentlemen might find it difficult to reduce within the limits of a legitimate definition, or to refer to any one great principle of the constitution, of which that alledged offence was a violation; but upon that topic he would say no more, as he understood that it would shortly be distinctly submitted to the consideration of the House.—With respect to the conduct of lord Chatham, in giving in this Narrative, he thought it highly censurable, and principally so because it appeared to him that that noble lord had given in that statement not as a peer, not as a privy counsellor, but as a general officer. He had obtruded upon his Majesty a military report—a military report exclusive in its nature, and yet bearing referrence in every line of it to that party that had not the same advantage; and anticipating that judgment which was only to be formed upon the fair public sources of open investigation. The principles of the constitution had no magic in them; they required no extraordinary intellect to understand, or to apply them; they were the plain principles of common sense. The question respecting the conduct of lord Chatham was not of inconsiderable importance at a time when the standing army was maintained upon so extensive a scale. A standing army had always in this free country been thought dangerous to liberty; therefore the common sense of the constitution made the civil and military duties of the subject not merely differing from each other in precedence, but wholly dissimilar according to every form of distinction. It was most dangerous therefore, to countenance that illegal conjunction of them, by which one was made accessary to the other, and both ruinous to the regulated order of general liberty. We had now in pay, in addition to that standing army, which the pressure of the times induced us to tolerate, an immense body of foreigners, there were not less than thirty battalions. A district of Great Britain had been lately commanded by a foreign officer, a man neither a native, nor naturalized in our country. Might not this alien to the country use the privilege, of which he found a precedent in lord Chatham's conduct, and by virtue of his office as a general (for it was admitted that lord Chatham delivered his Narrative in that capacity,) approach the throne, assail the royal ear with his representations, poison the royal mind, and while the nation were stupidly gazing on the daring act which their weakness permitted, overturn the constitution?

Mr. *Adam* rose and spoke as follows:—

Sir; It is my intention to delay the House but a very short time, and I sincerely believe that I shall literally fulfil that intention. But I entertain a most anxious desire to state the grounds upon which I shall support the present question; and my anxiety to do so has received much additional force, indeed, by the manner in which the motion has been opposed by my learned friend on the other side of the House (Mr. Stephen) and by the hon. gent. on the lower part of the row from which I speak (Mr. Bankes.)—The question is, in its very nature and essence, of vital consequence to the constitution; and the manner in which it has been treated by the two gentlemen, to whom I have referred, has rendered it in that respect, if possible, still more so. I have no hesitation in saying, that, if the doctrine which they have promulgated is acted upon in this House, there is a complete and entire end of the constitution of this free country.

I sincerely regret, Sir, that the earl of Chatham is the person who has fallen into this most unfortunate situation. I regret that the predicament in which he is placed compels me to pronounce his conduct to have been that which the second resolution expresses, in my opinion, with perfect accuracy, and with most becoming moderation. I have sometimes had the honour to meet that noble lord in society, where it was impossible not to be gratified with his demeanour: and in the intercourse of business, in which I have seen him two or three times, I have found him most accommodating in point of access, most clear, distinct, and unassuming in discussion. But when called upon as a member of parliament, conscientiously and uprightly to form an opinion, and give a vote upon a motion founded on the conduct which the noble lord has pursued respecting his Narrative, I have no choice—I must take the fact as it stands, without considering who the actor was in the transaction, and divesting myself of all individual bias, pronounce my opinion on the question before us.

In forming the opinion which I am about to deliver, I have made it my business to strip the subject of all extraneous matter, and of every thing not bearing directly on the issue. With that view I lay out of the question all that has been relied upon on the one side and the other, respecting the facts and circumstances which lord Chatham has given in evidence. I put the case (and that is all that is necessary in the view which I take of this, in my conception the most momentous constitutional question that has been discussed in the long period of my public life) upon the facts that lord Chatham delivered his Narrative to the king—that it is a public document, containing an account of his conduct as commander of the forces on the late unfortunate Expedition to the Scheldt—and on his Majesty's most gracious answer to the Address of this House, stating the circumstances attending that delivery—namely, its being given in the first instance, accompanied by a desire, which is in the nature of an advice, to keep it secret; being taken back—delivered again—and then, by his Majesty's own act, ordered to be given to the secretary of state.

However, Sir, before I enter into the consideration of the question to which those communications, thus stripped of every concomitant incident, give rise; I cannot help expressing my utter surprise and astonishment, that my learned friend (Mr. Stephen,) a lawyer of great knowledge, ability, and experience—that the hon. gent. (Mr. Bankes,) an old member of parliament (whom I have known for 30 years, and whose diligent attention to his duty in all that time I must in general recognise and praise,) should ask, "Where is the charter—were is the statute—where is the written decree" which has been violated by this proceeding of the earl of Chatham? What! when the great body of the municipal law of the country, the common law of England is technically characterized as unwritten, does a lawyer ask that question? When the great and most valuable part of the law of parliament and of the constitution has never been inserted in any charter, statute, or written decree, does an old and experienced member of parliament ask that question? And are those gentlemen yet to learn that it is from the practice of parliament, from the usage of our ancestors, confirmed and perfected by the invaluable usage of modern times, that we are to derive the law of parliament and of the constitution? The practice of the constitution forms the law of the constitution. And if it shall appear that the proceeding of lord Chatham, with respect to this Narrative, was a violation of clear established practice, who can pretend to deny, that because the principle which has been violated does not appear in a charter or a statute, or in a written decree, that therefore it was not unconstitutional? I take upon myself to say then, that the delivery of the Narrative to his Majesty by lord Chatham—the advice to keep it secret—the taking it back, and delivering it again; in short, that the whole transaction was an unconstitutional act.

Sir, I assert this not on the authority of speculative philosophers or constitutionalists, but as resting on matter of recognised and well ascertained usage; not to be looked for in this or in that written law, but derived from practice of high antiquity, confirmed and sanctioned by the uniform course of proceeding in the best modern times, and happily affording at once the most certain protection to the person and dignity of the sovereign, and the most perfect security to the liberty of the subject. It is this clear right, this undoubted and most privileged system, which our ancestors contrived, earned, and enjoyed; and which is proposed by the motion of my hon. friend (Mr. Whitbread) to be maintained; which if not asserted this night by the vote of this House, may be lost for ever.

Sir, before I enter upon the question more immediately under the consideration of the House, I cannot refrain from repelling the most unprecedented doctrine maintained by the hon. gent. (Mr. Bankes) respecting advice given to the Sovereign; doctrine, I will venture to say, the most extraordinary that ever was delivered in this House. Does the hon. gent. seriously and conscientiously intend to maintain that a minister, a peer, a privy counsellor, or other person, may approach the King, and instil bad counsel into the royal mind, and if that counsel is not followed, that the counsellor or adviser is not guilty of a criminal act; of a gross violation of the constitutional law of the realm: and that he could not be punished for such advice, though nothing followed upon the advice? Let me entreat the hon. gent. to look back to the history of the country, to those proceedings which characterized even the least settled and most uninformed periods of our annals. I will not confine the hon. gent. to the principles or doctrines to which the revolution gave a more correct form and substance: look before to the reigns of the Stuarts; nay, look back almost to the conquest itself, to the æras of favouritism immediately following that event. Let him look a little later, to the reigns of Edward 2, and Richard 2; to those times, when the minions of the crown poured poison in the royal ear,* when the proceedings turned not upon the act that followed, but on advice not acted upon; and then let him say whether it is not a clear and well ascertained principle of the constitution, that to give bad counsel to the king is not in itself and by itself most criminal against the state; prosecutable and punishable according to the practice and usage of Parliament. If it were otherwise, I would ask how should we come at any guilty adviser without coupling an act with the advice? Let me ask, how the state could be protected against the poison which might be infused into the royal mind, and which might, at an unconnected and distant interval, be carried into execution, in a manner and by measures the most ruinous and destructive, and rendered, by lapse of time, almost incapable of discovery.

Suppose, for instance, any person were so base as to advise the king, by his own authority, to suspend the Habeas Corpus act; but that the king, knowing better, and revering the constitution more than the adviser, rejected that advice, and, though accompanied with an injunction of secrecy, that the adviser became known. Can any one doubt that such advice would be the subject of parliamentary prosecution, and, when proved, be followed with condign punishment? The case is too clear to admit of a question.

But this is not all—judge the doctrine of the hon. gent. by the analogy of the law of high treason—Do the laws of treason require that the intention of the traitor should be carried into effect, in order to constitute that heinous crime? Does the law wait till the traitor's hand shall have levelled the Monarch's sacred person in the dust? Does it permit him traitorously and rudely to break that link of safety, the royal life, which protects us all? whose sacred person is fenced round by extraordinary laws, to unite and knit together the whole social and political

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* First Article of Impeachment of the first set of Articles against Lord Strafford, 16 Car. I. Cobbett's State Trials, vol. 3, p. 1385.

"That the said Thomas earl of Strafford hath traitorously endeavoured to subvert the fundamental laws and government of the realms of England and Ireland; and, instead thereof, to introduce an arbitrary and tyrannical government against law; which he hath declared by traitorous words, counsels and actions, and by giving his Majesty advice, by force of arms to compel his loyal subjects to submit thereto."

Third Article of the second set of Articles. Cobbett's State Trials, vol. 3, p. 1388.

"That the realm of Ireland having been, time out of mind, annexed to the imperial crown of this his Majesty's realm of England, and governed by the same laws; the said earl being lord deputy of that realm, to bring his Majesty's liege subjects of that kingdom, likewise into disframe of the state?—the law, thus rendering the mere intention to kill, the crime, and not the actual murder, as in the case of private men—thereby securing the body of the state from danger of sudden change, and from dissolution, the natural and probable effect of it. Shall it be said then, that the intention by secret and evil advice to beget evil acts, which may overwhelm the sacred fabric of our laws and subvert our liberties, shall be less protected; or that the intention, in that case, shall not be equivalent in criminality to the act which it is meant to excite?

Sir, I believe I ought in some measure to beg pardon of the House for having dwelt so long upon a subject which is not perhaps strictly connected with the main question. But I could not permit such doctrine to go unanswered, especially when falling from a person whose age and experience as a member of parliament might give currency to principles subversive of the constitution, and utterly inconsistent with the safety of the state and the freedom of the country.

Sir, I have already said, that all the evidence which I require to enable me to decide, that the conduct of lord Chatham, in the instance in question, has been unconstitutional, is the narrative of that noble lord, giving an account of the manner in which he discharged a great public trust, coupled with his Majesty's most gracious answer to the Address of this House: an answer which, I will venture to say (owing to

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like of his Majesty's government, and intending the subversion of the fundamental laws and settled government of that realm, and the destruction of his Majesty's liege people there; did upon the 30th day of September, in the ninth year of his now Majesty's reign, in the city of Dublin, the chief city of that realm, where his Majesty's privy council and courts of justice do ordinarily reside, and whither the nobility and gentry of that realm do usually resort for justice, in a public speech before divers of the nobility and gentry of that kingdom, and before the mayor, aldermen, and recorder, and many citizens of Dublin, and other his Majesty's liege people, declare and publish, that Ireland was a conquered nation, and that the King might do with them what he pleased; and speaking of the charters of former kings of England made to that city, he further then said, that their charters were nothing worth, and did bind the King no further than he pleased."

The first Article of Impeachment against the earl of Clarendon, 14th of Nov. 1667, 19th Car. 2. Cobbett's State Trials, vol. 6, p. 330.

"That the earl of Clarendon hath designed a standing army to be raised, and to govern the kingdom thereby, advising the King to dissolve the present parliament, to lay aside all thoughts of parliaments for the future, to govern by military power, and to maintain the same by free quarter and contribution."

Lord Clarendon puts in a very detailed answer to this charge, denying the truth of his having given such advice; but making no observation against the validity of the charge, if it had been true.

1680—32 Car. 2.—Cobbett's State Trials, vol. 8, p. 163.—Baron Weston's Charge to a Grand Jury in the County of Surry.—See Comms. Jour. 1680.

"And to speak truth, all his disciples are seasoned with such a sharpness of spirit, that it much concerns magistrates to keep a strait hand over them; and now they are restless, amusing us with fears, and nothing will serve them but a parliament. For my part, I know no representative of the nation, but the King: all power centers in him; it is true he does intrust it with his ministers, but he is the sole representative, and i' faith he has wisdom enough to intrust it no more in these men, who have given us such late examples of their wisdom and faithfulness." And this committee taking the said matter into their consideration, came to this Resolution:

Resolved. "That it is the opinion of this committee, that the charge given by the said baron Weston, were a scandal to the reformation, in derogation of the rights and privileges of parliament, and tending to raise discord between his Majesty and his subjects."

In the reign of Edw. 2, the proceedings against Gaveston are full of illustrations of this doctrine.

The same is to be found in the various proceedings against the favourites and ministers of Richard the second.

See Hume's History, vol. ii, p. 346, quarto edition; Millar's Historical View of the English Government, book ii, chap. v. and the authorities cited by those authors. See likewise all the contemporaneous historians.

to the extraordinary conduct of lord Chatham,) is without precedent in the records of parliament; not only in the correct and constitutional æra which has succeeded the Revolution; but in all that long and less formed period of our parliamentary history which preceded it. From that answer we learn, that when lord Chatham delivered this official, this public document to the king, in which he asserts the correctness of his own conduct, and impeaches that of the naval department; he delivered it to his Majesty, accompanied with advice to keep it secret: and accordingly, until it was asked to be delivered back, it remained secret. So that from the 15th of January to the 14th of February, during a whole month, all the other confidential servants of the crown were entirely ignorant of this most important communication.

Sir, it does seem to me most extraordinary, and, I believe, hitherto it has been unheard of in the conduct of public affairs, that a person, sent in the chief command of an expedition, should return from his command, and that months should elapse after his return, during which neither he should tender, nor the king's ministers require, an account of his conduct, and of his transactions in that command. When the noble earl came back from Zealand in September, it might be difficult for him in the dissolved, disordered, and distracted state in which the cabinet then stood, to know to whom he was to address himself. But when lord Liverpool was appointed secretary of state for the war department, when the right hon. the Chancellor of the Exchequer was induced by his loyalty to accept of the situation (as he has termed it) of prime minister; when those two persons were thus invested with the character of the responsible ministers of the crown, why did not they demand from lord Chatham an account of his services? For any thing that appears, they did not then discharge that most important duty of their station; and lord Liverpool has not even now taken any step to call upon lord Chatham, in the terms and according to the order given in his appointment under the sign manual, to account to him as secretary of state. On the contrary, the discharge of this great public duty in this, I believe, the greatest, and, I am sure, the most unfortunate expedition that ever left the shores of this country, seems to have been passed over by the king's ministers without inquiry into the details of it, as if it had not been a subject of most anxious public concern, and one for which they are most deeply responsible. Nay, Sir, what is still more extraordinary, those ministers, those confidential servants of the king, instead of considering the public account of the conduct and transactions of a public officer, in a great command, as a matter for public account, have, in violation of every principle that regulates the government of this free country, represented the matter connected with this public narrative as of a private nature, relating to the private concerns of the king, and not to the public and official affairs of the kingdom. For, Sir, when the matter first came before the House, on a motion for an Address to the king, to communicate every thing that respected the transaction under our consideration, the secretary of state for the Home Department (most wonderful that such things should be attempted!) had the boldness to argue the matter, as if the communications of a public officer to the king, respecting the execution of a public command, were of a private nature analogous to the private concerns of his Majesty; and that those who asked farther information on the subject were proposing to search his Majesty's private escrutoire.

Sir, I am sure that the indelicacy of such a search never entered the mind of any individual here. God forbid that there should not be the most sacred respect for every thing that relates to the private affairs and domestic concerns of our Sovereign. I trust I am the last person to entertain or promulgate a doctrine that could intrench, in the smallest degree, upon the most inviolable security to his Majesty's private repositories. The veneration for the person and character of his Majesty, which is entertained throughout the nation, ensures against such a violation of all decency; and the particular circumstances, in which I am known to stand, will ensure me, I trust, against the possible imputation of any thing but the most profound respect and attachment to the person of the King. But, Sir, I cannot under these impressions, powerful as they are, be led to forget the clear and marked distinction between the public government of the monarchy and the private concerns of the monarch.

I do then most boldly and stedfastly deny that the doctrine, which has been contended for on the other side of the House, has any foundation in the constitution of this country: and I insist, that it is unconstitutional to assert that the King (I speak of the office of King generally, according to the constitution of England) can have a private repository for a public paper; that this is a position adverse to the very essence of this constitution, and has been so in all times of our history—that the great security of this free country, as it respects the royal power and authority, is, that the King does no public act of himself; but that he acts by the advice of known and sworn counsellors, who are responsible to this House, and to the country, for their advice—that all acts, therefore, and all accounts of those acts given by those who are appointed to the discharge of public duties—in short, that all public transactions of the state must be official—that they cannot be the subject of concealment; they that cannot be communicated under injunctions and advice of secrecy to the Sovereign; but must pass through that public and official course which is known to the constitution, which public official course secures to this House the application of its great inquisitorial power, a privilege which has always existed, and which is limited only by the discretion of the House. So that this undoubted right to inquire into the conduct of the executive officers of the crown, thus renders it essentially necessary that all the parts of the executive government should pass in the usual, the accustomed, and well-known official channels. The secret communication which is the subject of our present consideration, with every act of a similar kind, I therefore assert to be totally inconsistent with the clear and indisputable characteristics of the constitution which must never be lost sight of in the consideration of this subject:—I mean the irresponsibility of the King; the responsibility of ministers; and the inquisitorial power of the House of Commons.

That the system of the king acting by advice in the government of the realm, and being according to the constitution, incapable of acting but by advice of public responsible advisers, is the practical constitution of this country, nobody can deny; yet the learned gent. (Mr. Stephen) and the hon. gent. (Mr. Bankes) with this clear and acknowledge principle before them, ask (I cannot help repeating it to expose it), "In what charter, in what statute, in what written decree, do we find it declared that the delivering a public document respecting a discharge of a puplic duty to his Majesty, under the seal and advice of secrecy, so that it shall not find its way to the accustomed channel, and to the knowledge of his Majesty's other confidential servants, is unconstitutional?" My answer is distinctly this: That the unconstitutional character of that act is not to be found in any charter, in any statute, or in any written decree, but that as a matter of invariable, ancient, and indelible usage, it is against the practical constitution of the country; and that the practice of the constitution can be made as clear, as certain, and as intelligible, as if it were emblazoned in black and white in the most distinct and legible characters.

I do not mean, Sir, in proving and illustrating this from history and authorities, to draw the House into minute considerations of detail, or into deep antiquarian investigation. Such a discussion is not well suited to this place, and fortunately, it is not necessary to this subject; in which (as in all those general rules and regulations which are best calculated to govern and direct the conduct of mankind; the facts by which they are established are well known, plain, and incontrovertible. They may, no doubt, be made clearer by research, and more confirmed by details, but they are manifest to general and popular observation.

All those who know the history of the official system (now so well understood, and so firmly established) know that the seeds of the system were sown in the earliest periods of the English constitution, and that they have gradually grown to strength and perfection. The responsibility of the advisers of the crown belonged originally to the office of Privy Counsellor. Any person who has ever opened lord Coke's fourth Institute, knows that the office of Privy Counsellor may be said to be as old as the monarchy; that it certainly approaches to the time of legal memory; that the great office of president of council is an ancient and well-known office, which has existed during all that time, thereby affording direct evidence of the very early institution of responsible counsellors to the crown; showing that the principle of responsibility in the king's public and sworn advisers is an inherent part of the constitution, and evincing that there is no period of our history when the sovereign could, according to the law and constitution, act by himself in the public concerns of the kingdom; but that the public affairs of the state ought always to have been administered by the advice of responsible sworn officers, by whatever name they might be called *.

But, Sir, the hon. gent. (Mr. Bankes) says, in answer to the admirable speech of my learned friend, (Mr. Brougham) a speech which fulfilled that expectation of talent so truly formed of him, and which it gave me for many reasons, most peculiar pleasure to hear, that the cabinet is of modern date, and is therefore no part of the constitution; and that conducting the executive government of the country by a cabinet council cannot therefore be founded upon as establishing the practice of the constitution. Surely, Sir, the hon. gent. cannot think that we are to be put down with a word, or to be diverted from our principle by a mere name: Surely, Sir, he does not mean to argue, that because the name of cabinet did not exist till comparatively modern times, that in substance, the thing has not always existed as a fundamental part of the great system of executive responsibility in the practical constitution of this country? Does the hon. gent. mean to say that the period can be named in which the king of England has ever, according to the constitution, acted of his own personal authority in public affairs? and that he has not always had responsible, sworn members of his Privy Council to advise him? The king has, at all times, especially if the Privy Council was numerous, selected (and by his prerogative could always select) certain persons of that council, in whom he more particularly confided, and by whose advice he more particularly acted *. That selection, in

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* Coke Littleton, Page 110, Section 164.

"The King of England is armed with divers councils; every one knoweth that he hath a privy council for matters of state."

Lord Coke's Fourth Institute, Page 53, Cap. 2—Of the Council Board.

"This is a most noble, honourable, and reverend assembly of the king and his privy council, in the king's court of palace. With this council, the king himself doth sit at his pleasure. These counsellors, like good sentinels and watchmen, consult of and for the public good; and the honour, defence, safety, and profit of the realm. *A consulendo, secundum excellentiam,* it is called the council table; private causes, lest they should hinder the public, they leave to the justices of the king's courts of justice, and meddle not with them—they are called *Concilium regis privatum, concilium secretum, et continiuum concilium regis.* The number of them is at the king's will, but of ancient time there were twelve or thereabouts. Of the university of the king's several councils, you may read in the first part of the Institutes, section 164."—N. B. lord Coke cites many authorities from the rolls of parliament.—See above, Co. Lit. 110.

Fourth Institute, Page 45—Of the President of the Council.

There is, and of ancient time hath been, a president of the council, who was called *principalis consiliarious,* and sometimes *capitalis consiliarius.*" (For this lord Coke cites many authorities.) "In the Journal Book of parliament, 5 Edw. VI. and 7 Edw. VI. Dux Northumb. 1 & 2 Ph. & Mar. Comes Arundel, &c." appear:

"Acts of Parliament, naming the presidents of the council, 21 H. 8. cap. 20. 31 H. 8. cap. 10. 34 H. 8. cap. 1."

"This office was never granted but by letters patent under the great seal, *durante bene placito,* and is very ancient; for John, Bishop of Norwich, was president of the Council in anno regis Johannis. Holt, fo. 160. Math. Paris, 205, and Math. Westm. *Dormivit tamen hoc officium regnante magna Elizabetha.*"

Comyns's Digest, Vol. iv. 424.

"The residue of the council consists of such numbers as the king pleases." 4 Inst. 53.

"And by the custom of the realm, upon summons to the council, and taking the oath of a privy councellor, each of them continues of the council during the king's life, with letters patent, or other grants." 4 Inst. 54.

* Blackstone, Vol. i. p. 229.

"The king's will is the sole constituent of a privy counsellor; and this also regulates their numbers, which of ancient time was twelve, or thereabouts. Afterwards it increased to so large a number, that it was found inconvenient for secrecy and dispatch; and therefore, king Charles 2. in 1679, limited it to thirty; whereof fifa bad sense, as in the reign of Charles the Second, when men, without character or principle, were chosen by that prince to advise him, was nick-named a Cabal—from the first letters of the names of those who composed it; in the good sense, and, now-a-days, it is ordinary called a cabinet; but, in reality and in substance, it is a selection of the Privy Council, which has in all ages, been known to the law and the constitution; the essence and character of which cannot be varied by the designation given to it, and which, therefore, shows my learned friend (Mr. Brougham) to have been perfectly correct in his view, and that the hon. gent. (Mr. Bankes) under a mistake, has had recourse to a modern phrase in order to subvert an ancient system. Sir, I have already said that this system of selection of responsible sworn counsellors, as advisers of the crown, is as ancient as the monarchy itself. At the period succeeding the conquest, when the charters of our liberties were exacted from the crown, the system prevailed. During the reigns of the Plantagenets it was equally conspicuous. The best princes of that race acknowledged the system in the most distinct manner; and in the reigns of the weak and misguided princes of that line, particularly in those of Edward the Second and Richard the Second (to whose reigns I have already had occasion to refer), the advisers of the sovereign were most severely called to account by parliament*—thus exhibiting

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teen were to be the principal officers of state, and those to be counsellors, *virtute officii*; and the other fifteen were composed of ten lords and five commoners of the king's choosing. But since that time, the number has been much augmented, and now continues indefinite. At the same time also, the ancient office of lord president of the council was revived in the person of Anthony, Earl of Shaftesbury; and officer, that by the statute of 31 Hen. VIII. cap. 10, has precedence next after the lord chancellor and lord treasurer."

Sir William Temple's Memoirs, third Part, Page 493.

"I saw a probability of matters growing to such a pass, that his Majesty might be forced to part with them: and yet I saw not authority enough left in the crown, either to do that without the venture of great mischiefs, or to live without another parliament till the present humours might cool. And both these considerations meeting together, cast me upon the thoughts of the king's establishing a new council, of such a constitution, as might either gain credit enough with the present parliament, by taking in so many persons of those who had most among them, and thereby give ease and quiet both to the king and his people; or if, on the other side, the humours should grow outrageous and beyond opposing, the king might yet, at the head of such a council, with more authority, and less hazard of ill consequences, either prorogue or dissolve them, as any necessities of his own, or extravagancies of theirs, should require.

"For these ends it seems necessary to take into the council, some lords and commoners who were of most appearing credit and sway in both houses, without being thought either principled or interested against the government; and mix them with others of his majesty's more general choice, for making up one half of the council, whilst the other half, being fifteen, were ever to be the present chief officers of his crown and household, who being all of his majesty's known trust, as well as choice, would be sure to keep the council steady to the true interest of his majesty and the crown."

Hume's History, Vol. vii. Page 458.

"It was remarked, that the committee of council, established for foreign affairs, was entirely changed, and the Prince Rupert, the Duke of Ormond, Secretary Trevor, and Lord-keeper Bridgman, men, in whose honour the nation had great confidence, were never called to any deliberations. The whole secret was intrusted to five persons, Clifford, Ashley, Buckingham, Arlington, and Lauderdale. These men were known by the appellation of the CABAL, a word, which the initial letters of their names happened to compose. Never was there a more dangerous ministry in England, nor one more noted for pernicious counsels."

* Whitelocke's Memorials, Page 99.—3 Edw. II.

"It is required, that strangers should be banished, the counsellors removed, public affairs be treated by the council of the clergy and the nobles, and no war be made without common council."

Petyt's Jus Parliamentarium.

Cap. 7. In which the proceedings against the earl of Suffolk, the lord Chanthe constitution in distinct characters, by grave, deliberate, and well ascertained overt acts, handed down in history, as transacted by our ancestors, and recognised, confirmed, and formed into shape by their posterity—showing at one view the responsibility of the king's advisers, the irresponsibility of the sovereign, and the inquisitorial power of parliament—the three grand and leading features of the constitution, of which, as I have already said, we must never lose sight, but always recognise as the cement which binds together and secures the free monarchy of this great and civilized country.

Look now, Sir, to the next æra of our history, and you will find, that, amidst all the blood that was shed in the contest between the Houses of York and Lancaster, the same system prevailed; and thus it is established that there never was a period when this system of responsibility in the advisers of the crown did not apertain to the executive government of the country, and invariably make a part of the constitution of England.

During the reigns of the House of Tudor, from causes which it is unnecessary to stop here to investigate, but which are well known to every person acquainted with the history of the country, the crown was every thing and the parliament nothing. Yet, during that period of suspension of the original constitutional functions, which has tended to mislead many in the just consideration of the constitution of England, and to give a false impression of our original rights, the system of office

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cellor, are detailed. Cap. 8. In which the proceedings against the archbishop of Canterbury, the above mentioned earl of Suffolk, chief justice Tressillian, and others, are detailed.—See likewise the Appendix to the third volume of Rushworth's Collections, page 262.

Rolls of Parliament, 6 Rich. II. section 18.

"The commons likewise pray for the honour and profit of your majesty and the commons, that your majesty will be pleased to order certain lords to be placed about your honourable person, of the most wise, honest, and discreet persons of your realm, to counsel you, &c." To which the king answers: "The king will take about his person, such sufficient persons, lords, and others, as shall seem best for his honour and profit: and as to the rule and government of his household, he will act by the advice of the lords and others of his council, according to such good rule as shall seem best for his honour."

Whitelocke's Memorials.—25th Edward I.

"When the king was at Winchelsea, embarking for the continent, being ready to take ship, the bishops, barons, and commons, send him a roll of grievances; of his taxes, subsidies, impositions, forcing of services, his imposing 40*s.* upon a sack of wool, being before but half a mark, and wool the fifth part of the substance of the kingdom.—The king sends answer, that he could not alter any thing without the advice of his council, who were not now about him."

Hume's History, page 291.

"The king told them, that the greatest part of his council were now at a distance, and without their advice he could not deliberate on a measure of so great consequence."

Rolls of Parliament of the 5th of Henry IV. 19th Section.

"Likewise on the same day the commons prayed our lord the king to make an ordinance, that no person should be named to belong to the household of our lord the king, but honest and virtuous persons, and such as were of good repute."

Ditto, 7th and 8th of Henry IV. Section 31.

"Likewise on Saturday the 22nd of May, the commons came before the king and the lords in parliament, and there represented that they had prayed the king at the beginning of the parliament, and since, and represented besides that the archbishop of Canterbury had made report to them, that the king wished to be councelled by the wisest lords of the realm, who should have superintendance of every thing that should be for the good government of the realm; to all which the king agreed, and repeated with his own mouth, that it was his entire will; and upon this a bill was read, containing the names of all the lords who should be of the council.

Then follows the bill in the Rolls of Parliament.

29th and 30th of Henry VI.

See Whitelocke's Memorials, page 142. 143. Proceedings respecting the duke of Suffolk. And in Whitelocke's Memorials, page 143, the council advise in the case of Cade's rebellion.

(which has ultimately rendered the responsibility of the king's advisers, the irresponsibility of the sovereign, and the inquiring power of this House, so certain, so indisputable, and so perfect) was gradually and imperceptibly forming into regular shape, and by degrees brought to that pitch of correctness and accuracy, which better days, quieter times, and more enlightened discussion, have made the sure and easy means of extending freedom to so large a mass of mankind. If you will look into the history of the great offices of state, you will find that it was during the Tudor tyranny (a most extraordinary and unlooked-for occurrence) that the hitherto shapeless official mass first began to assume a more regular form and method that afterwards, during the reign of the Stewarts, amid all the various conflicts of that period, the official system was proceeding more and more to perfection—and, certainly with no such intention on the part of either race of princes, became at last so correctly formed, and firmly established, as to be the main safe-guard of the person of the King, and a grand security of the freedom of the people*. The secretaries of state, who had originally been no more than the sealers and addressers of the king's letters, became gradually great officers of state, with great powers and great responsibilities. The office of chancellor was, during those periods, brought nearly into its present shape. The office of lord high treasurer, or first commissioner of the treasury, came to be a matter of regular fixed appointment and establishment. The office of lord high admiral, or first commissioner of the admiralty, the same. The offices of secretaries of state, the same. Thus, instead of the irregular selection of early times, those great offices of trust, responsibility, and state, which are now, and have for a long period been, perfectly and completely formed; were regularly appointed to discharge the duties of government, and to advise the sovereign. On the appointment to those offices by the king, the persons appointed, if not before of the privy council, are sworn, *ex officio*, into the privy council; and, as the confidential servants and advisers of the crown, form, with little occasional variations, what is now called the cabinet.

In this manner, by this imperceptible

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* Lord Coke's Second Institute, 556, in his reading upon the Article Clerici.

"At the making of this statute, the king had another seal, and that is called Signettum, his Signet. This seal is ever in the custody of the principal secretary. And there be our Clerks of the Signet, called Clerici Signetti, attending on him. The reason wherefore it is in the secretary's custody, is, for that the king's private letters are sealed therewith."—N. B. He is not called at this period Secretary of State.

Lord Camden's Judgment in the Court of Common Pleas, in the Case of the Seizure of Papers.——State Trials.

"To consider then the question of the capacity of secretary of state.—This officer is in truth the king's private secretary; he is keeper of the signet and seal used for the king's private letters, and backs the sign manual in transmitting grants to the privy seal. This seal is taken notice of in the Articuli super Chartas, cap. 6; and my lord Coke, in his comment upon the chapter, page 556, describes the secretary as I have mentioned. He says he has four clerks that sit at his board, and that the law in some cases takes notice of the signet; for a *ne exeat regno* may be by commandment under the privy seal, or under the signet, and, in this case, the subject ought to take notice of it; for it is but a signification of the king's commandment. If, at the time my lord Coke wrote his Third Institute, he had been acquainted with the authority that is now ascribed to the secretary, he would certainly have mentioned it in this place; it was too important a branch of the office to be omitted; and his silence therefore is a strong argument, to a man's belief at least, that no such power existed at that time. He has likewise taken notice of this officer in the Prince's case, in the eighth report. He is mentioned in the statute of 27th Henry 8 cap. 11: and in the statute of the same king, touching precedency; and it is observable that he is called in these two statutes by the single name of secretary, without the addition which modern times have given him of the dignity of a state officer.

"I do not know, nor do I believe, that he was anciently a member of the privy council: but if he was, he was not even in the times of James and Charles the First, according to my lord Clarendon, an officer course, the mere physical body of the official system (if I may be allowed the expression) was brought to perfection in shape and figure, but before the revolution it was an uninspired and lifeless form, subject to violation by the reigning monarch, while the powers of parliament were not always properly directed to counteract the infringement; and when the pliancy of those appointed by the crown was almost at all times ready to make the duties of their situation yield to the will of the sovereign, and to become the base instruments of tyranny, instead of being upright advisers. But, Sir, the revolution came. That great and wonderful event infused life and soul into this well-formed, but hitherto inanimate frame. Then it was that the passing of the Bill of Rights gave certainty and vigour to the efforts of Parliament, secured its power and its independence, and, by forming the character of its members, confirmed and regulated the discreet but firm exercise of the inquisitorial functions of the House of Commons. Then it was that the character of those who were employed in the public service, secured the just execution of the system, and established the great doctrine of responsibility on a firm and unalterable basis; a position from which it cannot be displaced if this House does its duty. But if the violation of the system thus recognised in ancient, and thus practised in modern times—if a distinct act, subverting the established, invariable course of official communication by official document, is permitted to pass uncensured, the true principle of the executive government of England is at an end. On the contrary, if a private and secret communication to the King of public matter is condemned as adverse to the clear and invariable practice of the constitution, we are safe.

Sir, the course taken by the earl of Chatham is as injurious to the inquisitorial power of this House as it is to the system of the executive government itself; for instead of being able to trace the public acts of the state through their accustomed channels, we shall remain ignorant of what the public acts are, or where the public documents are to be found; whereas, if the regular, well-known, and long-established official system is adhered to, information and inquiry can proceed with certainty and without obstruction. But, Sir, if the public documents of the kingdom are to be locked up in secrecy in the private repositoty of the king, and all access to them shut out, there is not only an end of the great system of official responsibility and its controlling concomitant—the inquiring power of parliament; but that most sacred principle of the constitution to which my hon. friend under the gallery (Mr. Johnstone) has so justly referred, will be shaken to its foundation—I mean the principle, 'that the king can do no wrong.'

In all discussions of the constitution, in every elementary book it is laid down, as a first and leading maxim, that the king can do no wrong; and it seems to me,

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of such magnitude as he grew up to after the restoration, being only employed, by this account, to make up dispatches at the conclusion of councils, and not to govern or preside in those councils.

"It is not difficult to account for the growth of the minister's importance. He became naturally significant from the time that all the courts in Europe began to admit resident ambassadors; for, upon the establishment of this new policy, the whole foreign correspondence passed through the secretary's hands, who by this means began to be an instructed and confidential minister.

"The first time he appears in our books to be a granter of warrants is in 1 Leonard, 70 and 71, 29th and 30th Elizabeth, where the return to a Habeas Corpus was a commitment by sir Francis Walsingham, principal secretary, and one of the privy council."

State Trials, Vol. 2. Page 731.—See also the Commons Journals, 1678.

"The first article of impeachment against the earl of Danby was for giving instructions to his Majesty's ambassadors without the participation of the secretary of state, or privy council."

Clarendon's History of the Rebellion, Vol. 1. Page 210.

"The earl of Bedford was to be treasurer; in order to which, the bishop of London had already desired the King 'to 'receive the staff into his hand, and give 'him leave to retire to the sole care of his 'bishoprick;' by which he wisely withdrew from the storm.—And so the treasury was for the present put into commission. Mr. Pym was to be chancellor of the exchequer: which office the lord Cottington was likewise ready to surrender, upon assurance of indemnity for the future."

were it not for the strange and unheard-of manner in which this question has been dealt with, that it would be almost absurd to rest upon this obvious topic for a moment. I refer to all who hear me, whether this is not what we are taught in early youth, and what we now teach our children. And am I now to be called upon in this enlightened age, in this enlightened assembly, after having learned these principles in my early life, and heard them in this House for thirty six long years sanctioned as invariable and leading maxims as plain and certain as that I hear myself now speaking—I say, Sir, am I now to be called upon to prove this constitutional maxim to the House, when we have only to open the commentaries of Blackstone,* to see, that when he discusses the king's ubiquity, the king's perpetuity, and the other attributes of the Sovereign (as he calls them,) that he likewise represents the king's perfection as the greatest and most important feature of the royal character, as that which, together with his perpetuity, secures at once to this free country the safety of the monarch, and the independence of the people.

That the king can do no wrong is a maxim which should seem, on its bare statement, to be almost too strong for absolute monarchy, or even for the most deplorable despotism; yet this is the attribute of our king, this is the maxim applicable and appertaining to the sovereign of a free people; to the king of this mixed and limited monarchy. What is more, this maxim, which sounds too strong for despotism itself, is that which (paradoxical as it may seem at first sight) fortifies us against the inroads of royal power itself, and protects the people from all ill-regulated arbitrary authority whatever. This is it which secures the monarch from degradation, and places him in the most elevated state of dignity and safety: and such is the extraordinary and well-contrived system, under which we live, such the just temperament of the different jarring elements of which our constitution appears (at first sight) to be composed, that by the sound practice of the apparently discordant parts of the machine it proceeds with perfect smoothness and regularity, uniting the purest system of freedom with the most efficacious executive authority that ever blessed the civilized world, or was ever in any age or country extended over so large a portion of the human race. Whether the representative body is a little more or a little less correct, is not now the consideration—Whether it should be rendered more so, is not now the question. But I assert, that the grand and fundamental principles on which we have combined (the only instance in the history of the world) civil and political freedom on the one hand, and a powerful executive government on the other, rest mainly and principally upon the maxim that the king can do no wrong—out of which the responsibility of the king's advisers—the necessity of public documents—the absence of all secret advice and secret councils—the obligation on all executive officers to make their communications to avowed ministers—and the great superintending inquisitorial authority of this House, necessarily and unquestionably arise. Whatever therefore has a tendency to infringe upon, or to destroy, this attribute of the sovereign, his perfection, (is destructive of the constitution. Shall it then be said, Sir, as the learned gent. (Mr. Stephen) and the hon. gent. (Mr. Bankes) have argued, that the act of the earl of Chatham, in delivering his Narrative to the King, is not unconstitutional? Does not such an act tend to violate, directly violate, that great maxim which I have been endeavouring to enlarge upon and enforce? Does it not destroy the official and responsible, and establish an unofficial and irresponsible, system? Does it not, by removing the communication from its regular channel, and placing the sovereign in a predicament unknown to the constitution, make him liable to be obliged to act without an adviser? Is not this the immediate result of the transaction which we are examining, and does it not besides, by the unconstitutional injunction of secrecy, keep the other confidential advisers of the crown ignorant of those facts and circumstances, on a knowledge of which their opinion must be formed, and their counsel to their Sovereign depend? So that it is an act which at once interferes with the official system; embarrasses the inquiring power of this House; infringes the great maxim that the king can do no wrong; and, lastly, what has not yet been adverted to, introduces into the government of the country that most ruinous and unconstitutional of all practices, a double government, where one set of men, or one man, is to advise, and another set of men are to act and be responsible.

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* Blackstone's Commentaries, vol. 1. p. 246.

"Besides the attribute of sovereignty, the law also ascribes to the king, in his political capacity, absolute perfection:—The king can do no wrong;—which ancient and fundamental maxim is not to be understood, as if every thing transacted by the government was of course just and lawful, but means only two things—First, that whatever is exceptionable in the conduct of public affairs is not to be imputed to the king; nor is he answerable for it personally to his people: for this doctrine would totally destroy that constitutional independence of the crown, which is necessary for the balance of power in our free and active, and therefore compounded constitution. And, secondly, it means that the prerogative of the crown extends not to do any injury; it is created for the benefit of the people, and therefore cannot be asserted to their prejudice."

When I say that this is the immediate, the necessary and mischievous effect of what has been done; I beg to have it understood that I am not one of those who have or ever had any belief in the secret influence, which has been so much rested upon by some gentlemen in the course of this discussion, referring to the secret influence of the late earl of Bute—On the contrary, I utterly disbelieve it. I have been very many years an observer of the transactions of men in this country—I have, during all that time, lived in the greatest intimacy with the family of that noble person—I know their character to be that of the most perfect veracity; and relying upon my own observation and knowledge of public men and ministers, and upon the veracity to which I have alluded, I am most decidedly of opinion, that the secret influence, which has been so often referred to, had no existence;* and that, from the year 1765, when the old duke of Cumberland advised in forming the ministry, the earl of Bute never had any the least connection, directly or indirectly, with public affairs.

But my opinion respecting the secret influence of lord Bute has, in my way of viewing the motion before us, no influence whatever. I consider the question (if I may be allowed to say so) in a more enlarged point of view, as it regards the constitution; and, as in practice, tending to form, nay as actually forming, the most ruinous of all systems, a double government—with all the evils of ignorance and counteraction which belong to that deplorable system.

But, Sir, the name of Mr. Pitt is invoked with a view to create an influence in favour of this act of his brother the earl of Chatham, as if Mr. Pitt, if now living, would have defended or given his sanction to this proceeding. Mr. Pitt and

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* Lord Mountstuart's Letter, 21st of October 1778.—Dodsley's Annual Register, vol. 21, p. 256.

"Here is a letter under the earl of Chatham's hand, vouched to be such by the authority of his family, imputing to lord Bute those counsels which lord Chatham says (whether justly or erroneously, is not the present question,) have ruined the king and kingdom. Every reader will at once have understood this imputation to be founded on lord Chatham's opinion of lord Bute's secret influence (as it is called,) by which he has been imagined to dictate or control the measures of the cabinet ever since the earl of Chatham left it. Lord Bute has not been ignorant of the long prevalence of this error, having seen himself most injuriously treated in consequence of it, for many years past, by writers of pamphlets, newspaper essays, and political paragraphs; all which he passed over in silent indignation and contempt; but when he sees the same cruel mistake advanced and countenanced by such an authority as the earl of Chatham, he thinks he should be wanting to himself, if he did not encounter it with the best evidence that can be supposed to lie within his reach.

"There are but two persons in the kingdom who are capable of knowing the negative of that opinion with absolute certainty. One of them is of rank too high to be appealed to, or even mentioned on this occasion: the other is himself; he does, therefore, authorize me to say, that he declares, upon his solemn word and honour, he has not had the honour of waiting on his Majesty, but at his levee or drawing-room; nor has he presumed to offer an advice or opinion concerning the disposition of offices, or the conduct of measures, either directly or indirectly, by himself or any other, from the time when the late duke of Cumberland was consulted in the arrangement of a ministry in 1765 to the present hour."

Mr. Fox, alas! are in their graves, but are we therefore to lose all sense and knowledge of the practice of the constitution? Are we to be idle and indifferent, and make no research to learn that which they knew? Is it fit or just to suppose that Mr. Pitt would have sacrificed, even to a brother, his unvaried and well ascertained constitutional opinions on this subject? On this subject, Mr. Pitt's opinions were declared. They were uniform, from his earliest youth, and acted upon to his last hour. It was my fate to differ very widely, upon great and leading public points with that great man; but of this I am sure, that no one who observed the whole tenour of his public life can doubt that he would have reprobated, in the strongest manner, this unofficial communication—this passing by the regular established channels of responsibility—this secret communication to the king upon a public subject—this act of establishing a double government—this course by which the official and confidential advisers of the King were kept ignorant of the facts on which they were to advise their sovereign. As to the other great and illustrious person, Mr. Fox, I lived with him for many, many years in the utmost private friendship, and the most unreserved confidence, communication, and coincidence on public subjects. I shall therefore say no more of his opinions, than that I am confident that I have not expressed one sentiment that would not perfectly accord with his just and profound views of the constitution of this country.

Sir, there now remains of this momentous question but one topic untouched; and that is, the evil effects in practice attending such a course as the delivery of the Narrative by the earl of Chatham. Fortunately, Sir, it is not necessary to travel out of the facts which the transactions respecting this matter afford, in order to illustrate this mischief. The earl of Chatham returned from the isle of Walcheren in September, and, most unaccountable desertion of duty! the right hon. gent. opposite, the prime minister, the secretary of state for the war department, lord Liverpool, as I have already said, never appear to have asked him for an account of the causes of his ill success, or of the state of the forces which he left behind him.

Lord Chatham, however, thinks it necessary to compose, for his own defence and justification, a Narrative of his transactions, and completes that Narrative on the 15th of October. On the 20th of December the city vote their address to the King; and here, sir, give me leave to say, that the address of the first corporation in the united kingdom, nay, of the first corporation of the world, is in the nature of an act of state, of no immaterial consideration, either as to the form of its reception, or as to the manner in which it is to be answered. Sir, the time has been when there was an earl of Chatham, who considered the acts and addresses of the corporation of London of no mean or trivial account—The address of the city was to be answered—His Majesty was to be advised by his confidential servants to answer it—Under what circumstances?—In an utter ignorance of the earl of Chatham's Narrative—totally unacquainted with the fact, that his lordship had, by that Narrative (to be placed in the hands of the king, who was to be advised by the earl of Chatham to keep it secret,) attributed the ill success of the Expedition to the naval department of the service. Is it possible for imagination to suggest a more opposite instance of evil effect, arising from evil conduct? Will not the same principle apply to every other measure of advice to be given to the King, in any other department of the state? Can we then for one moment hesitate to declare that the permitting such a practice would equally violate the constitution and injure the interest of the country? And is it a defence to say, that the noble lord had been acting in his character of military commander, had approached his Sovereign in that character; that he was a peer and privy counsellor, and had a right to approach the King, or that his right was founded on his appointment, being under the sign manual?

I sincerely regret (as I have said in the outset) that lord Chatham is the person who has fallen into this predicament; but whoever it might have been, at whatever æra of our history it might have happened, I should equally reprobate it as unconstitutional. In the days "when Marlborough conquered and Godolphin planned," had that illustrious commander, who extended the glory of his country, in defence of the liberties of Europe, returning covered with laurels, attempted to step out of the official course to approach his Sovereign privately, to deliver a public narrative of his command, I should have said that it was a violation of the constitution, which could not be permitted in him or in any man; and that he, like all others, must lay down his laurels and his greatness at the door of the office of the secretary of state, and enter there, as a servant of the public, to give an account of what he had done, in the accustomed, well-known, constitutional, and official channel; thereby securing all the responsibilities of advice, and securing the great attributes of the sovereign against any infringement; avoiding the evils of a double government, and conveying to the responsible servants of the crown all the facts, on which their advice may be required.

Sir, I ask no more of the earl of Chatham than I should have demanded of the duke of Marlborough.—At all times, against all persons I should have contended for the doctrines which I have thus endeavoured to unfold and inculcate—doctrines, which I again assert, embrace the sound principles of the constitution, not drawn from theory but from practice; from the most obvious and most certain sources; from lord Coke, sir William Blackstone, and the various authorities to which they refer—from the digest of lord chief baron Comyns (an invaluable abridgment of constitutional as well as common law; pointing out from undoubted authorities, the readiest way to sound knowledge on all subjects of this description;) from the examination of the history of the country, in its early periods, when the principles were clear, though the form was not yet perfect; deduced from thence to the present time, through all the eventful periods of our history, confirmed at the Revolution, and handed down to the present period unimpaired until the present melancholy and unfortunate instance. On the most conscientious conviction, therefore, that I have delivered the true doctrine of the constitution, I feel myself bound to vote in terms of the second resolution: "That the earl of Chatham, by private communication to his Majesty, accompanied by a desire of secrecy, did unconstitutionally abuse the privilege of access to his Sovereign, and thereby afford an example most pernicious in its tendency to his Majesty's service, and to the general service of the state."

The *Solicitor General* said, that while he admitted most of the premises laid down by his hon. and learned friend, he could not equally concur with him in the conclusions he had drawn from those premises. There was no disputing, for instance, the great constitutional principle, that the king can do no wrong; but he could not see how it followed from that proposition, that the House ought to visit so severe a punishment upon lord Chatham as had been proposed, on account of the errors which had been imputed to him. He did not stand up to vindicate lord Chatham; he thought that he had in some degree been wanting in discretion; but he also thought that that noble person's errors had been greatly exaggerated and misrepresented. In what did his error consist? Was it in drawing up the Narrative; in presenting it, or in the request of secrecy? The secrecy appeared to have comprehended the chief part of the offence; and yet what was that secrecy? Was there in the nature of the transaction any thing of that dark intrigue, or insiduous underhand attempt to slander the party he could not openly condemn? Nothing of it. He had presented his Narrative, accompanying it with a request of secrecy? but was that secrecy to be permanent? No, but temporary. He wished the House to look at the whole of the features of the transaction, and to judge from that view of it of the *quo animo* with which it was done. The main ingredient in his alledged criminally was the secrecy; but if his motive had been to attack the naval service, to wound it as it were behind its back, why did he suffer so long a lapse of time to intervene as that between the 15th of Oct. and the 15th of Jan.? Motives of that kind were generally immediate in their operation; but in this instance the person supposed to be influenced by such feelings let them lie dormant for three months. This was an inconsistency not easily to be reconciled with the opinion, that lord Chatham was influenced by such motives. But an innocent motive had suggested itself; his laudable anxiety to stand well with his Sovereign. Which, then, of the two motives would the House in common charity abide by? As to the request of secrecy, he again reminded the House that it was only temporary secrecy that was required; and he would ask, what one object that kind of temporary secrecy could answer? Could he hope either to deceive his Sovereign or his country long by such an artifice; and might he not, on the other hand, have wished merely that it should be kept secret until that of the commander of the naval service had been also presented? But his lordship had of his own free motion, made that secret paper public, and that act had been severely censured, as obtrusive upon the House, by a noble lord opposite. The step of secrecy had been equally animadverted upon, so that lord Chatham was blamed at one time for making public, and at another for making secret, the same paper. He thought the noble lord treated harshly, in the interpretation of his motives, and judged of with unbending rigour; he, for his part, would, were he upon his oath, give the same vote, which he intended upon that night to give. He declared in the solemnest manner, that he did, from the bottom of his heart, acquit lord Chatham of the bad motives that had been imputed to him by some gentlemen in this transaction. He remarked, that a gentleman had advised Charles 2d, to form the secret cabal; and that this gentleman's name happened to be Temple; and the noble lord opposite, perhaps, wished by his zeal on this occasion, to make some atonement for that transaction. But, the fact that Mr. Pitt, a minister, not chosen upon any system of favouritism, had continued in office for 18 years together, was a proof that the secret influence which had been so much complained of, did not exist. He concluded by observing, that though he did not altogether approve of the conduct of lord Chatham in this instance, he could not vote for resolutions which almost necessarily carried with them consequences highly penal.

Mr. *Ponsonby* observed, that the hon. and learned gent. opposite had talked a great deal about secret influence, and it appeared as if he thought that if lord Chatham was acquitted of having recourse to this secret influence, he was acquitted of every thing. But the question before the House really was, whether the act described in the resolution, admitted to have been committed by lord Chatham, was or was not unconstitutional; and whether it was or was not an act calculated to do mischief to the public service? The hon. and learned gent. however, had said, that he did not stand up to defend lord Chatham, nor to contend that his lordship had acted with perfect propriety; but he wished the hon. and learned gent. had told the House in what respect lord Chatham, in his opinion, had acted wrong. The Chancellor of the Exchequer too the other night said, that he did not rise to defend lord Chatham, and admitted that he had acted wrong. Another hon. gent. admitted that his conduct was erroneous and objectionable, and the hon. gent. on the floor had allowed that his conduct was not right; but none of them seemed to be able to give a name to the kind of error or deficiency of which they imagined lord Chatham to have been guilty. He, however, would tell them why lord Chatham's conduct was erroneous, objectionable and wrong; it was because it was unconstitutional. This was the sole term by which his conduct could be properly described. The gentlemen who spoke against the resolution could indeed find no other word applicable to the conduct of lord Chatham, and yet they were afraid to acknowledge that it was unconstitutional. But the hon. gent. on the floor (Mr. Bankes) asked, where was the positive statute that constituted this an unconstitutional act? No one, however, had contended that there was any positive statute on the subject. If there had been any such statute in existence the proper definition of lord Chatham's conduct would have been that it was illegal, and that House would then have carried the matter before the House of Lords by impeachment. But an act might be unconstitutional, and yet not contrary to a positive statute, nor strictly illegal. An act was unconstitutional when contrary to the known principles and spirit of the constitution, although there was no express statute applicable to the case: and of this description was the conduct of lord Chatham. Lord Chatham had the right to approach his Majesty as a peer, as a privy counsellor, and as a cabinet minister. Of that there could be no doubt. But he had no right to make use of his privilege of approach to his Majesty to present a Narrative of his conduct as the commander of an expedition, with a request of secrecy. It was not the making use of his privilege to approach his Sovereign, but the abuse of that privilege in the manner described that was unconstitutional. He would not dwell upon the point of secret influence, because he did not think it had much to do with the present question. But it should be borne in mind, that there were two parts of the conduct of lord Chatham to which the epithet of unconstitutional properly applied; 1st, in presenting his Narrative in the manner of a private paper, instead of a public document; and 2nd, in his having requested that the fact of his having done so should be kept a profound secret, not only from parliament and the public, but even from his own colleagues.—But, in order to render this proceeding unconstitutional, the hon. gent. on the floor said, that the advice must be followed up by some deed; and that with any advice given by lord Chatham, or any other in an official capacity, no matter how pernicious (and he was surprized to hear the hon gent. say so,) the House had nothing to do.) He never heard any doctrine avowed of a more abominable and mischievous tendency. Suppose a man were to make use of his privilege of access to the King, to represent the House of Commons as a factious and unmanageable body of men, observing at the same time that his Majesty had at his disposal an army faithful and devoted to his service, and advising his Majesty, therefore, to employ this army to disperse the Commons, as Cromwell did, according to the doctrine of the hon. gent. the House of Commons had no remedy against a proceeding of this sort. They could do nothing till the mischief was actually done. The hon. gent. said that there were numerous editions of the book of the constitution. If there were, he protested that the edition of the hon. gent. himself was the worst he had ever heard of: and he earnestly recommended to those who wished to study the contitution to look for it in some other edition. But the hon. and learned gent. over the way (Mr. Stephen) admitted, that the conduct of lord Chatham was erroneous and objectionable, would he then, with that impression, contend, that the House ought to pass it over, and do nothing? The learned and hon. gent. had said, too, that the name of the great lord Chatham had been introduced, and his constitutional views held out in order to render the conduct of the son more conspicuously objectionable; and yet the hon. gent. himself had conjured the House to be lenient to the son for the sake of the father and brother. The impropriety in the one view was, he apprehended, at least as great as in the other. He did not approve of the system of politics upon which Mr. Pitt had often acted; but however he might have differed with Mr. Pitt, he would in justice declare, that he believed in a case of this kind Mr. Pitt would have been the first to condemn even his brother. Gentlemen would recollect, that when lord Chatham was first lord of the admiralty, Mr. Pitt, being then minister, had not hesitated to advise the King to remove him, because he did not do the duties of it in the manner which Mr. Pitt thought best calculated for the public service, and so, if alive, would he now have condemned his conduct in the present instance.—The hon. and learned gent. who spoke last, had stated, however, that a person clothed with no official character had yet taken upon him to advise King Charles the second to form the Cabal, and that this person's name was Temple. He recommended to the hon. and learned gent. to look again into the history of that period, and he would find that sir William Temple had not only not advised the formation of the Cabal, but had on the contrary advised his Majesty against it. He had undoubtedly advised the King to form the committee of privy council, which had overturned the cabal. This much he thought proper to say on this point for the sake of those, who had been accustomed to regard the memory of sir William Temple with respect, on account of the many valuable qualities and eminent virtues which he possessed. But the House was desired to excuse the conduct of lord Chatham, though erroneous and objectionable, because his lordship had not acted with a malignant intention. What then, he would ask, were the motives of lord Chatham? He did not mean, however, to rest much on that, because the question respected lord Chatham's acts, rather than his motives. But still what were his motives? Was it his object to injure himself, and to persuade his Majesty that he had ill conducted the Expedition? Or was it to shew that he had conducted it well and properly? The House could hardly doubt that the latter was the real object, and the Narrative delivered to his Majesty in furtherance of that object, necessarily implied that the admiral had failed in his duty. Did lord Chatham, then, who must have been sensible of this, do right in not delivering that Narrative to the first lord of the admiralty, his colleague in office, that the naval commander might be apprized of what was urged against him? But against this argument in favour of the purity of lord Chatham's motives, he would set the words of lord Chatham himself. In his examination of the 22d of February would be found the following question and answer: "Was there any other narrative, paper, or memorial, or memorandum of any sort delivered to his Majesty on this subject by your lordship?—I have already stated that this paper was prepared on the 15th of October; I am very ready to state, if it is wished, the reason why I did not deliver it then: the reason I did not deliver it was, that I did not think it was right for me to state, in fact what would constitute my defence in case of any inquiry, whether civil or military; that was the reason I did not deliver it. I did deliver it on the 14th of February as my report of my proceedings."—He did not then think it right to deliver his Narrative to his Majesty when it was drawn up, as it would constitute his defence in case of inquiry, civil, or military, and only delivered it on the 14th of February, as the report of his proceedings, of course, with a view to the inquiry actually going on; and this he stated after he had in fact delivered it on the 15th of January, with the request that it might be kept secret.—As to the motive of the noble lord, many would, perhaps, and not without some reason, be satisfied with the very circumstance that secrecy was desired; for why should lord Chatham have desired that this delivery of the Narrative should be kept secret, except he was conscious that he was doing something wrong? But the House was not left to make this inference, for it appeared from lord Chatham's evidence that he did not think it right to deliver to his Majesty in this way what would constitute his defence in case of inquiry, civil or military. There appeared to be something extraordinary in the memory of lord Chatham, beyond what was to be found in the memory of any other man; for it appeared that having presented a Narrative of his proceedings to his Majesty on the 15th of January, he requested to have it back again on the 10th of February, in order to expunge a certain passage, and had delivered it again on the 14th of February with the passage expunged; and when asked on the 27th of February what that passage was, he could not remember it! So that from the 15th of January to the 10th of February he recollected a passage which he wished to expunge; and yet in the interval between the 14th and 27th of February, his lordship had forgot this passage which had been before so strongly impressed on his memory. This was as extraordinary as the very extraordinary defence which was now set up in his lordship's behalf!

He contended therefore, that the proceeding of lord Chatham was most unconstitutional; and that there was no other word which could precisely express the nature of the offence which he had committed, and which demanded the censure of the House: and on this part of the subject he would borrow something from the able and eloquent speech of his hon. and learned friend near him (Mr. Adam.) There were two grand principles which formed the foundation of the constitution; the complete irresponsibility of the sovereign, and the complete responsibility of the ministers. These were the principles which rendered the British constitution the most perfect system of free government. This was the true secret of the administration of the government of Great Britain. Nothing could be more directly opposed to these principles than the conduct of lord Chatham in the clandestine delivery of this Narrative. The hon. gent. on the floor said, that he could not find any where a list of the courtesies that might be properly conferred upon a cabinet minister by his Majesty. But the hon. gent. might find in the spirit and practice of the constitution, the line beyond which no cabinet minister ought to pass in giving advice to his sovereign. A cabinet minister, privy counsellor, peer, or any other person, might very properly be allowed to approach his Majesty if he pleased, and advise him to dismiss his ministers; but he ought not to do this or give any advice on a public subject under the seal of secrecy; nor refuse to make himself responsible for his advice. Did lord Chatham communicate his proceeding to his colleagues? No. Did he deliver his Narrative through the medium of the secretary of state or the commander in chief? No. All was done secretly. When he delivered it in the second time, he was desired to give it to the secretary of state. Why was not this done at first? Because, it was specially requested that the transaction should be kept a profound secret. That House had often, before the revolution, censured particular individuals for conduct of this kind. But, it was to the constitution, as established at the revolution, that we owed the character of the people of this country. It was owing to that constitution that there was less caballing, less secret influence, than in any other European country; that even in political hostility there was more openness and candour; that this character was not confined to ministers and public men, but spread over the whole mass of the population. In the whole of the nation there was more openness and probity, and less secret intrigue and duplicity than in any other European nation; and this we owed to the constitution. How happened it that, in other nations, there were so many secret cabals, and combinations of men smiling in your face, while stabbing one behind? It was owing to their want of the advantages of our inestimable constitution, the tendency of which was to render every thing in the shape of a public transaction fair and open, and which (till lately at least) had in a great measure that desirable effect. But what would be the consequence of such a proceeding as this was to be passed over without notice? Instead if that candid and open frankness which distinguished the higher as well as the lower classes of the community, we would sink to that degraded character which had been the ruin of so many nations of Europe; and now he must call upon the House to preserve that constitution inviolate, from which they derived so many blessings, and not act like the silly stupid Indian who threw away a pearl richer than all his tribe.

Mr. *Canning* said, he had not approached the House on this occasion without having searched his own mind for an excuse from voting on the present question, but after all that had been shewn to the House, he found it was impossible, and equally so, that he could give even the vote he intended to do, without, at the same time, offering his reasons for so doing. He should put out of view many of the topics which had been brought forward in the discussion of this question. He must beg leave to acquit the noble lord of any of those motives of malignity which had been so lavishly attributed to him. He could not think, that any man, gifted with such abilities, and enjoying the splendour of such a name, would be guided or influenced by such base and unworthy incitements. Highly, however, as he thought of his name and talents, he could not consent that the House should make him a splendid anomaly to the character and practice of the constitution. He knew the vote he should give would be but coolly received by the hon. gent. who brought forward the motion, because it turned on so narrow a principle, when compared with the aim and object of the hon. gent. himself. The hon. gent., however, might rest assured, that he could not receive it with more indifference than he (Mr. C.) gave it with reluctance. He was sorry this business of the Narrative should have ever come before the House; because, as had been eloquently expressed by the right hon. gent. who spoke last, it was destructive of that bright responsibility in ministers, which formed one of the finest features of the British constitution. He regretted it, because it must be disadvantageous to the noble lord in the investigation yet to take place, as to his colleagues and himself.—The first resolution detailed fairly and candidly the transactions as they took place; the second resolution characterised the noble lord's conduct, on which he should have a few words to say; but there was a third point of such consequence, that the House could not look over it, and which weighed very much on his mind. He should, therefore, expect to be informed, before he voted for it, how far this second resolution was intended to be followed up? If it was intended that the House should adopt any such violent and rigorous measures, in consequence of the noble lord's conduct, as an address for the removal of the noble lord from his Majesty's councils, and to disqualify him from ever being restored to them, then most certainly he would not vote for it. On the other hand, said he, shall this transaction be followed by a resolution of parliament, to take no notice of it? Such a proceeding he should almost as much deprecate as the other. The previous question, in such a matter, was what the House ought not by any means to countenance. It was highly important to lord Chatham that it should not take place, because it would deprive him of the means of shewing what degree of blame only was attachable to him. Instead of endeavouring to check this by a previous question, it would be better to have made an amendment of a medium nature.—The first resolution would have been better, in his opinion, if it had not been mixed with the evidence: he should have liked it better without it, but still he did not think the form of it unfair. He certainly was not prepared to go the length of the second resolution. In objecting to it, he was not, however, prepared to support the doctrine of his hon. friend (Mr. Bankes) that the transaction was not unconstitutional. With respect to the constitution generally, he should be content with that, which was to be found in the praise bestowed on it in good times, and the censure in bad one's; but he could not vote without knowing to what length they meant to follow the vote up; for though he admitted the conduct of lord Chatham to be wrong and unconstitutional, he did not wish to go so far as to put it in the power of the House to exercise its discretion. He could wish, therefore, that a precise degree of guilt should be fixed, and then he would have the punishment somewhat moderated. Without something done by the House, after what had been shewn of the transaction, their proceedings would appear very extraordinary. The second resolution he would therefore wish to see modified. He had drawn up a few lines, not with any intention of moving them himself, but for the purpose of submitting them to the consideration of the House, for any honourable member to adopt who might approve them.—He then read his modification, to the following purport:—" That the House saw, with regret, that any such communication as the Narrative of lord Chatham should have been made to his Majesty, without any knowledge of the other ministers; that such conduct is highly reprehensible, and deserves the censure of this House."—This was what he had taken the liberty to suggest to the House, as conformable to his ideas of the subject. The course proposed to be pursued, of getting rid of the business altogether, was what he could by no means agree to. He should, therefore, conclude at present by declaring that he should give his vote against the previous question.

Mr. *Bathurst* said, that he also would have wished, that the resolutions proposed had been more qualified in their expressions. He, however, felt it his duty to vote for them such as they were, but he would never be a party to making them a foundation for any criminal proceeding. Short of that, he, however, felt it his duty to vote some censure. The ground upon which he principally rested was this, that the commander in chief of an expedition, availing himself of the access which he had to the royal person, as a peer and privy counsellor, did present a narrative reflecting on the other branch of the service; and that this statement was not communicated to his colleagues, but kept a profound secret. Such conduct did appear to him to be an abuse of the noble lord's access to the royal ear, and unconstitutional. He was, therefore, perfectly prepared to vote a censure, but not to institute any further proceeding.

Mr. *Owen* contended, that the charge which had been brought against the noble earl was not made out. The charge itself was too vague, undefined, and general; and it was not proved, that advice had been given. If lord Chatham had given any advice which had been acted upon, it could only have been acted on through the medium of some responsible adviser.

Lord *Castlereagh* said, that this was a question on which he felt it most painful to speak; and it was therefore with considerable reluctance he rose to address a few observations to the consideration of the House. As it was his wish that the enquiry should be complete and perfect, it would ill become him to interpose by any proceeding of his between the House and inquiry. Although he was perfectly prepared to admit that the manner in which the noble lord (Chatham) had answered some of the questions was fairly liable to remark, yet when he considered the limits which the situation of a privy counsellor imposed upon him, and the privileges he felt as a peer, he thought the answers he gave should not be so much a matter of surprise; and that they did not naturally afford a presumption that there were papers which the House was bound to solicit his Majesty to grant them copies of. As to private communications with his Majesty, he could conceive many such communications, which would yet not be of such a nature as that the House could properly have the right to enquire into. As, however, a paper so communicated had now been laid before the House, they must consider the question in such a manner as was consistent with the constitution, and becoming themselves. For his part, he from his heart discharged lord Chatham of any ungenerous or unjust motive in presenting this Narrative. It was evident that if he could have had such a motive, he had most wretchedly executed his purpose, in giving in this paper in the manner in which it had been communicated to his Majesty, indeed in giving it in at all. It was, therefore, some mitigation of the pain he felt in expressing his sentiments on this question, that he could look at it in a dry constitutional view. He did not wish to go a step beyond what the best principles of the constitution required; and he could not think of any crimination beyond an expression of the sense of the House upon the act itself. He could have no hesitation in pronouncing the act itself to be unconstitutional, and to be such an act as, if brought into precedent, might produce most

most serious mischiefs. As to the sentiment which had this night been delivered by an hon. gent. (Mr. Bankes) that a cabinet council was a thing unknown to the constitution, he must say, that although it was a doctrine he had heard before, it appeared to him to be giving up the substance of the constitution for the shadow. When the hon. gent. himself gave his support to an administration, he knew that the responsibility of the measures of the administration lay principally with the members of the cabinet; and every body knew that the right hon. the Chancellor of the Exchequer was in a much higher degree responsible for the measures of government than the generality of privy counsellors. This was a responsibility which was perfectly understood, and which, he was convinced, the members of the cabinet would not shrink from. It appeared in the case under discussion, that on the 15th of January, lord Chatham had delivered in his Narrative to the King, not as commander in chief of the Expedition to Walcheren, but in the capacity of a peer and privy counsellor, and that he did in that capacity advise his Majesty to keep it secret. A consequence that did result from this advice was, that the other ministers of his Majesty knew nothing of this Narrative, and his Majesty was advised to state in the speech to his parliament, that he had directed papers to be laid before them, which he trusted would be perfectly satisfactory. Now, however innocent the intention of the noble lord might be in presenting this Narrative, and giving the advice to his Majesty to keep it secret, yet it was not to be supposed that the rest of his Majesty's ministers would have advised such a speech to be made to parliament, if they had been aware of that circumstance. He never did understand the paper as meaning to throw blame upon the navy; and he only objected to it, as keeping back from his Majesty's confidential servants a matter that they ought to have been informed of. Although he agreed with the right hon. gent. below him (Mr. Canning) that the most moderate expression of the sense of the House would be best suited to the present occasion, yet, in the discharge of a constitutional duty, he could not avoid voting in favour of the first resolution.

Mr. *Windham* thought the conduct of the noble lord wrong towards his colleagues in office, and still more so towards sir R. Strachan; but, though he allowed it was highly improper, he could not agree that it was unconstitutional. He saw no reason for concluding that the secrecy was to be indefinite, nor did he think the paper contained a charge against any person, unless as far as an attempt to exonerate himself, on the part of the noble lord, might be supposed to imply blame in others. As to the proposition of the right hon. gent. opposite, it did not appear to be particularly lenient. All who had already spoken upon the subject, seemed to have over-looked the best excuse that could be offered for the noble lord in not communicating the Narrative to his colleagues, in the first instance. The excuse ought to have been, that, from the situation of the government at home, he did not know who his colleagues were, and under that impression, went to the fountain head. He would vote, however, for the motion of his hon. friend.

The *Chancellor of the Exchequer* expressed great surprize at the conclusion of the right hon. gent.'s speech, as his arguments were all on one side, and the vote that he said he would give was on the other. It was most surprizing to find him ready by his vote to record a censure on the Journals against lord Chatham, whom, by the whole tenour of his speech, he appeared to be defending. As to the secrecy imputed to the noble earl, he was convinced that publicity and not secrecy was his object when he gave in that Narrative. In writing that Narrative, it was unquestionably his intention to make it public at some period; although from some particular circumstances at the existing moment, he wished it for a short time to be kept a secret. This Narrative was, undoubtedly, written as his statement and defence. It had appeared to many gentlemen who had spoken, that the offence was unintentional and venial. If so, the justice of the case might be as well satisfied without calling for a judgment, and by adopting the previous question, which would imply that the offence was of a nature so slight as not to call for a serious judgment. A right hon. gent. (Mr. Canning) had considered that a question of this nature, hanging undecided over the head of lord Chatham, might tend greatly to prejudice the general inquiry. It appeared to him, however, that if this question was decided by a vote of censure, that would do a great deal more to prejudice the noble lord upon the inquiry, than the leaving it undetermined by agreeing to the previous question, would prejudice the rest of his colleagues. His official character and honour would certainly be deeply affected by a vote of censure on the present occasion. He by no means considered the present as a case of crime, but as a venial error, from which no practical inconvenience had occurred. If lord Chatham had merely delivered his Narrative to the king without requesting secrecy, he would contend, that there was nothing in it which was in the least degree illegal or unconstitutional. He, however, did conceive, that it was unconstitutional to make this direct communication with the charge of secrecy. He did not see that otherwise there was any thing improper in his direct communication with his Majesty. Although he was directed by his instructions to correspond through the secretary of state when he was abroad, yet when he returned to England, those instructions could certainly not interfere with that access to his majesty to which he was entitled as a peer and privy counsellor. If the contents of the Narrative had been communicated to his Majesty in a verbal conversation, nobody could have said that it was improper or unconstitutional. The only thing that appeared to him to lead to inconvenience was, that a cabinet minister employed as a general, united in himself the situations of master and servant, and afterwards, when he approached the Sovereign and presented this Narrative, he appeared to unite also the opposite characters of judge and party. He could not, however, agree, that no person would be responsible for the advice given in this manner by lord Chatham. Although the minister who signed any instrument was primarily responsible, yet he was always ready to allow, that every minister who concurred or consented to any act was also responsible for it to the public. He conceived, that all those who did not think any farther proceeding should be instituted if the Resolutions were carried, should vote for the previous question.

Mr. *Whitbread* rose to reply. He observed, that lord Chatham had been arraigned by him for unconstitutional conduct, and had not found a single defender in the House. Those who spoke most strongly in his favour admitted, that his conduct was erroneous; but they would not allow that it was unconstitutional. As for keeping the question undetermined by voting for the previous question, he thought the House and the country ought not to be so kept in suspence. Ministers appeared to wish for the shabby shelter of the previous question, and were content still to appear the disjointed ministers of a disjointed cabinet, which had too long misgoverned the country. Some hon. gentlemen had said, that they could not vote for these Resolutions, unless it was intended to follow them up. He had expressly told the House, that if they were carried, he should have another Resolution to submit to its consideration. There was another hon. gent. (Mr. Bankes) whom he had heard this night with amazement, and he believed the House participated in the feeling. He had supposed that no gentleman's edition of the constitution was more correct than his; but for the future he must consign that hon. gent. to the same class of guardians of the constitution, as exhibited themselves in such abundance on the other side of the House.

It was said however by the gentlemen on the other side, that publicity was the noble lord's object, and that he was determined that an inquiry should take place. This determination could not, however, be collected from the answer to the city of London. When lord Chatham said in his evidence, that he had no copy of the narrative he first sent in to the King, he hoped that he did not believe, at that time, that he had the original itself in his possession. If having the original, he answered in such a manner, it would be more against the character of the noble lord than even the unconstitutional act of which he complained. If that proceeding was intended to influence his Majesty, and that influence remained undiminished, he called upon the House to record the fact on their journals. For his part, he considered, the whole proceeding of such a nature—he thought the conduct of lord Chatham so extraordinary—so hostile to the genius and spirit of the constitution, that in order to mark his sense of it, he would propose to carry these resolutions to the foot of the throne, but without any unusual form or ceremony, leaving it to his Majesty to act thereon as he might think best. But if he was not able to effect that, he trusted that at least he should succeed in so recording the proceeding, as to prevent a possibility of the recurrence of the offence. An hon. and learned Member (Mr. Stephen) on the opposite bench, had endeavoured to assimilate the conduct of himself and his friends to that of the O. P.'s; but the O. P.'s had the laws on their side; so had he and his friends, and he trusted they would carry the question. The hon. member had great suavity of manners, a brilliant imagination, and great power of argument; but yet instead of applying these to the substance of the question, and endeavouring to exculpate lord Chatham, they were employed to shew that this motion had less for its object the censure of lord Chatham than the removal of ministers. His continued cry was "you want to get them out; you want to get them out;" why so he did, but he found it impossible. Repeatedly as they were knocked down still they got up again. He could kill a man, but he could not kill this phantom of an administration. The right hon. the Chancellor of the Exchequer brought to his recollection a scene in a Neapolitan puppet shew, where a duel takes place between Punch and his antagonist. Poor Punch is run through and through the body. His friend comes, and with great signs of grief, applies his mouth to his ear, and asks him, "*son e morte,*" on which the latter springs up and cries "Bah." So with the right hon. gent. on the other side, notwithstanding the repeated defeats he has sustained during the session, at the very moment that you expect to hear nothing more of him, up jumps the little fellow, and says, "I am alive."—Lord Chatham, in one part of his examination, had stated that the Narrative was transmitted to his Majesty to meet the Narrative of sir R. Strachan; and yet in answer to a question afterwards put to him, he admitted it was within his knowledge that that gallant officer had presented no Narrative. There were other inconsistencies which it was not now necessary for him to dwell on, as they had been so clearly pointed out by his right hon. friend (Mr. Ponsonby.) When, therefore, he saw the noble lord give such inconsistent testimony (which, if given without that bar, instead of inside of it, the House would be bound to take notice of it) testimony that they would not have passed over in any of the persons that appeared at their bar last year, was he not justified in calling on the House to assert its own dignity, and to mark its sense of those shuffling and unconstitutional proceedings? Much had been said of the purity of lord Chatham's intentions. With that the House had nothing to do; they were to form their decisions only from the facts before them.—He had been condemned for the contrast he endeavoured to draw between the conduct of the late earl of Chatham and the present. He was asked, will you be so inhuman as to tear the stones from the monument of the father to bruise the head of the son? He could appeal to those who had opportunities of judging of his habits and feelings, whether in private life he was capable of violating any of those social affections that bound man to man. But there he was not his own master; he would discharge his duty as an honest and independent servant of the people, and hold up the proud, noble, and constitutional conduct of William earl of Chatham, as a glaring contrast with the suspicious, clandestine, and unconstitutional conduct of John earl of Chatham. He would maintain, that the right hon. gent. had not answered one of his arguments, and it was to him an auspicious omen that he should carry the question. He could assure the House, that he did not act in a spirit of vengeance, but in the spirit of a representative of the people. Advocates of lord Chatham, there were none; but he stood there the advocate of millions of the people of England, who insisted on the principle of responsibility, and who wished to make ministers or others answerably for whatever advice they should give the Sovereign. He must again repeat, that he trusted the House would not suffer the right hon. gent to take refuge under the shabby shelter of the previous question, and give the country an opportunity of saying, that parliament dared not do its duty. Should the first resolution be carried, it would then be time for the House to consider whether they would adopt the amendment of the right hon. gentleman.

General *Loft* vindicated the conduct of lord Chatham, and assured the Houre the noble lord had expressed to him his readiness to come back and answer to any points in his evidence that were supposed to want explanation.

General *Grosvenor* maintained, that lord Chatham was perfectly justifiable in presenting the Narrative to his Majesty, which was merely a simple recital of the military operation in which he was employed, and did not contain a single word of advice from beginning to end. He understood that sir R. Strachan had been desired to prepare and transmit his Narrative early in October. When lord Chatham came home, at the end of September, he found the whole country, men, women, and children, inflamed against him. What did he do? Why, he wrote a history of his conduct, and presented it to his Majesty; not for the purpose of throwing any blame on the navy, but to convince his Sovereign that he was not deserving of the public indignation and the calumny that was so profusely heaped upon him. As to the inconsistencies in the noble lord's evidence, he had hoped that he had satisfied the hon. member in the conversation he held with him at the bar, that there was nothing contradictory in his answer. His lordship gave his evidence one of the days, he could not recollect which, under the disadvantage of indisposition. He was fatigued by the length of it; in fact he was quite done up.

After several explanations from Mr. Whitbread, Mr. Canning, Mr. Banks, and others, the House became clamorous for the question, strangers were ordered to withdraw, and a division took place on the previous question:—For it 188. Against it 221. Majority 33. Strangers were not afterwards admitted; but we understand Mr. Whitbread's first resolution was carried, and he waved the second. Mr. Canning then proposed the amendment mentioned in his speech; and Mr. Whitbread seconded it.

Mr. Whitbread next moved, That the Resolutions agreed to be laid before his Majesty by such members as were of his Majesty's most honourable privy council; upon which some members exclaimed "By the whole House." This proposition called up Mr. Wilberforce and Mr. B. Bathurst, both of whom concurred in the wish that nothing of heat or personality should appear upon the preceedings of the House. The main object had been obtained by recording on the Journals the sense the House entertained of the transaction in a constitutional point of view, and proceeding any further would not be for the dignity of the House.—Mr. Whitbread coincided in the propriety of this observation, and declared himself perfectly satisfied in having carried the constitutional question, which was all he had at heart. He should therefore cheerfully, with the permission of the House, withdraw his motion; which he did accordingly.

HOUSE OF COMMONS.

Tuesday, March 6.

[OFFICES IN REVERSION.] Mr. *Bankes* rose and said, that from what had fallen from his honourable friend on a former night, he could collect that some opposition was intended to his motion; before, therefore, he proceeded to any observations in support of it, he begged to remind the House of the manner in which it had disposed of a similar motion on the 10th of August, 1807. He there-moved, that the Resolution of that date should be read.—The Resolution was then read by the clerk, as it was recorded to have passed *nem. con.* "That an humble Address be presented to his Majesty, praying that he would be graciously pleased not to grant any places in reversion, or to two or more persons with right of survivorship, until six weeks after the then next session of Parliament." The resolution he had to propose in this instance was precisely the same with that which had been read from the Journals; and he should leave it to his right hon. friend, and to those gentlemen who supported or agreed to the former resolution, to shew what distinction there was between it and the resolution now proposed. A Committee of that House had been appointed to examine the Lord's Journals for any proceeding respecting a bill for preventing the granting places in reversion, lately sent up from that House. The Committee had performed that duty, but found no trace of any proceedings upon the Journals of the House of Lords upon the subject of reversions. There appeared, indeed, two proceedings with respect to bills for preventing the granting of places in reversion—one, the bill lately sent up from that House; the other, a bill which had been introduced into the House of Lords, and was precisely the same as a bill which had passed that House in a former session without a dissenting voice. Both these bills had, as appeared, been negatived on the second reading; but the Committee could discover no trace on their Journals of the grounds upon which the House of Lords was induced not to pass either. This led the Committee to consider what could have been the reasons which influenced the decision of the House of Lords, but in so doing, they were left altogether to conjecture. It occurred to him that it might have entered into the head of some acute and cavilling special pleader, that it was a solid objection to the bill, that it was to render perpetual a bill for suspending the power of granting places in reversion. Though he could not perceive the distinction, yet there might be persons who were fond of perplexity, and dealt in difficulties, whose minds were not only capable of conceiving, but of maintaining such an absurd and incomprehensible quibble. To him it appeared, that, if the act for rendering perpetual the suspending act had passed, it would have been impossible for the practice to have been renewed. That, according to any sound principle of reasoning, would have been the operation of the measure. Could any man possibly suppose that the bill would not have been a perpetual prohibitory measure? At least, those who opposed the principle could not entertain a contrary opinion; because, if they had any impression upon the subject, it must be that they were afraid it would fully accomplish its object. The bill which had been sent up from that House, had had, he was happy to say, the assent and support of the Speaker, and was worded and framed in the same manner as all bills for rendering suspending acts perpetual, of which there had been two striking instances during last session. He wished, however, fairly to state to the House, that, if not for the peculiar circumstances of the case, he should never have assented to the bill of 1808, framed as it had been. He had entertained hopes that the spirit of conciliation manifested by the House of Commons, would have given an opportunity for the absurd and unfounded apprehensions which existed elsewhere on this subject, to subside. Finding, however, the contrary to be the case, and that there existed a determined principle to resist every measure designed to prevent the grant of reversions; finding that there was no chance that a bill for that object would pass the other House, it appeared to him that the only constitutional course which remained, was to vote an address to his Majesty, as in the year 1807, and then to bring in a bill for carrying the principle into effect. It might be said that the present motion was not brought forward at the close of a session as the former was, and that, therefore, there would be full time to bring in a bill, such as that of 1808. But under all the circumstances of the case, he thought the proceeding by address the proper course; and it would be for the right hon. gent. opposite to explain the grounds of opposition to that course, which they had approved of in the former case. The hon. gentleman concluded by moving, "That an humble Address be presented to his Majesty praying that he would be graciously pleased not to grant any office in reversion or to two or more persons with benefit of survivorship, until six weeks after the commencement of the next session of parliament."

Mr. Secretary *Ryder*, as one of those to whom his hon. friend had made his appeal, felt it his duty to state the ground of his opposition to the resolution. The hon. gent. had said that his motion was the same as that which had passed nem. con. in August 1807. But if his recollection was right, that address of 1807 had been voted, after the rejection in the Lords of a bill which passed that House for the unlimited restriction of the granting places in reversion. This had, therefore, been taken for the purpose of giving effect to the principle upon which that House had agreed. He felt then an objection to the mode of proceeding by Address; and the only reason that operated in his mind in not opposing it was, that it was at the time the only practicable mode of preventing the granting of places in reversion. But what was the fact now? Was this the close of the session? Was there no other mode of accomplishing the object the hon. gent. had in view? They had every reason to believe, from what was known of sentiments expressed in another place, that, if they should pass a limited bill, it would meet the concurrence of the other House. Such a bill would answer the end of the hon. gent. as effectually as an Address; and, unless his hon. friend should state more satisfactory grounds for his proposition, he should prefer the proceeding by bill. It was a principle universally admitted, that that House should be very cautious of legislating for the country at large, except in cases of absolute necessity. He could refer for an illustration of this principle to the long parliament, and the calamities entailed upon the country by its attempt to legislate for the monarchy upon its own authority. He hoped, therefore, that his hon. friend would not press his motion; at least, not until he should try the experiment of a bill, and find, that this would be the only practicable mode of attaining his object. But if his hon. friend should not withdraw his proposition, in order to give an opportunity to bring in a bill, he trusted that the House would decide against it.

Lord *A. Hamilton* thought, that some unfortunate fatality hung over every measure introduced for the purpose of restricting the granting of places in reversion. To be consistent with themselves, and, if actuated by any desire to promote the interests of the country, ministers were bound to give effect to those measures of economy recommended in the speech from the throne the first session after they came into power. But, when he considered their conduct hitherto, he could see no ground for reliance upon them for any such measures. He was sure that the House of Commons was not in the slightest degree disposed to any improper attempt to legislate for the country at large. If this question should be got rid of by a division, it would be impossible that the country should not conceive an unfavourable opinion of the objects of that House, and of the sincerity of his Majesty's ministers respecting measures of economy. There was one reason, indeed, which made it imperative upon them to carry into effect the principle of this proposition; namely, that the great, efficient, and permanent obstacle to all plans of economy, in any of the public departments, arose from the existence of grants of offices in reversion. Though the prevention of such grants might not in itself be a very material reform, it would be an effectual step to that object which the House had in view, and which was distinctly recognized in resolutions then before them, founded on the third report of the Committee of Finance.

Mr. *R Dundas* said, that the question was not as to the principle of not granting reversions, but whether they should pass a bill for that purpose or move an address? and when that question was put to him, he had no hesitation in preferring the mode of bill as the more constitutional mode.

Mr. *S. Bourne* had always been, and was still, a friend to the principle of restricting the grant of places in reversion. He should prefer, however, the mode of proceeding by bill.

Mr. *Lambe* was of opinion that the passing of bills of suspension would cut up altogether the ground of the principle from under their feet. He was one of those who objected to these suspending measures, and thought, that in justice to their own principle, they should pass the prohibitory bill.

Mr. *D. Giddy* was of opinion, that it would not be a breach of the privileges of that House to address for permission to restrict this branch of the prerogative, and to obtain the consent of the crown to this measure. The only answer he could conceive his Majesty likely to give to such an address, was, that he would leave the matter altogether to the discretion of his faithful Commons. In that case, the House could proceed effectually with the bill, as such consent would do away all the objections entertained in another place.

Sir *J. Newport* objected to a bill for suspending the granting of reversions, because it had already been made an argument against passing a bill in perpetuity; and the oftener bills of suspension were passed, the stronger would that argument become. Those who favoured the suspension, were in general those who were enemies to the abolition; and he would rather prefer the measure of the hon. gent. who originated this business, and whom he believed, to be sincere and interested for its success, than that of those, who, from his heart, he thought, were hollow and deceitful in their professions.

Mr. *B. Bathurst* thought either of the modes would produce the same effect; but as he deemed the proceeding by a bill to be more constitutional than that by an address he would vote for a bill.

Mr. *Peter Moore* said, the subject was of great national importance, and he must beg leave to offer his reasons for supporting the motion.—The measure itself, of preventing the grant of reversions, he said, though most important, was one of the most unfortunate that ever came before the House for discussion; that although it had had a great many nurses, it was stunted in its growth, and although surrounded and protected by a host of friends and guardians, he saw no prospect of its ever arriving at maturity.—Nor was this the only dreary conclusion which he drew from this unfortunate case; he felt it as a full manifestation of the general result of all the labours of the Finance Committee, and in this he was amply supported by the reception with which their several detached Reports had hitherto been met by the administration of the country; absolutely rendering all their efforts and struggles in behalf of the public nugatory and useless; thereby converting the Committee into a masque for all the mischiefs and abuses in the financial department. Mr. Moore said, he should now recall to the attention of the House, the several Reports hitherto made by the Finance Committee, in support of the position he had laid down. This was absolutely necessary, in order to remind the House of the situation in which they stood, and to point out the prospect the public had to expect from the continued labours of the Finance Committee, on which so much expectation had been formed, so much anxious hope entertained in the public mind; and thus, by contemplating what had been done, the House and the country would form some judgment of what was likely to be done. The Finance Committee, he said, had now sat three years, during which time, they had made four Reports; to these he should now advert.—The first was on the subject of a large sum of money which had been taken from the cash, voted by the House and appropriated to the payment of the army, by one of the paymasters-general, confessedly on false public pretences, and which he had applied to his own private purposes. This officer was also a member of the privy council, and the king's remembrancer in the exchequer, whose especial duty it is, regularly to report periodically, and put in regular process against all persons defaulting, and holding in their hands the public money. Let the House also recollect the very inauspicious situation in which this Report was received; that it was actually laying on the bar of the House, ready to be brought up to the table, when the usher of the black rod knocked at the door, to announce the dissolution of parliament, and, let it not be forgotten under what circumstances that dissolution was effected. Here he should only add, that that violent measure aggravated the responsibility of ministers for every other plan and measure which they have since pursued, and made it the more immediately incumbent on them, when this first Report of the Finance Committee did reach this House, to support the Committee in the recovery of the public property; and to mark the conduct of the public officer guilty of this flagrant breach of public trust, with such exemplary process and punishment, as his own undeniable and undefensible conduct had called for, with the further design and view of preventing any similar practice in other departments. But what (said the hon. member,) has been done? The public money has indeed, after eight or nine years of importunity supported by this Report, been recovered; but no one step has been taken to vindicate the insults offered to the law, and to the official trusts of the public: Mr. Steele still remains a member of the privy council; and still continues to hold the office of remembrancer in the court of exchequer, in which, no doubt, the most active vigilance may now be expected in process against other defaulters, because he has himself, the great mover of all, been studiously spared. But, what do the House now find as one of the direct consequences? They have now Reports before them of other great defaulters holding the important offices, of great trust, of paymaster to the marines, and treasurer of the ordnance department. What the exact sum of the balance of the former is, he did not know; as it was in a department which had uniformly reserved pecuniary management, to their own exclusive jurisdiction, and made no reports to the House, though often required; but there was a strong presumptive evidence that the object was of no very trifling consideration, as the admiralty board had proceeded much further against Mr. Villiers, than the treasury board had done against Mr. Steele, and had actually proceeded to bestow Mr. Villiers's trust on another gentleman, a member of the House, although the rumours in circulation were, that Mr. Villiers had not been well treated.—As to the sum in the hands of the treasurer of the ordnance, it is stated in a Report on the table to exceed 90,000*l.* without any securities: of which sum, Mr. Moore said, he had been informed no less than from 27,000*l.* to 30,000*l.* had been in this treasurer's hands ever since he quitted the office on the change in administration in 1805; and he desired to repeat this information the more especially for the attention of the Chancellor of the Exchequer, (the Chancellor of the Exchequer at this moment came into his place), who perhaps had not before heard it, with a view to excite his active attention to the immediate recovery of it, seeing, that in general, the older a debt grows, the hope of recovery becomes the more desperate. Now, said Mr. Moore, I humbly contend, that if a public prosecution had been instituted against the right hon. Thomas Steele, in the first instance, as it ought to have been, with a view to public example, most probably the House would never have heard of the defaults of Mr. Villiers, Mr. Hunt, and others; nor the public property have been in danger and in hazard, if not wholly lost. But said he, I shall conclude what I have to say on this first Report of the Finance Committee, by putting it to the House to reflect, at this time of avowed general difficulty, and individual distress, when taxation bears harder on the subject than at any known period of time, in the annals of the nation; how many families must be pinched and distressed by exactions to meet a sum of taxes equal to these deficiencies.—(Hear! hear! hear! from the opposition side.) I hope, said Mr. Moore, we shall not hear of any more such splendid defaulters; but with such examples before the House, of great political connections, he thought instant measures should be adopted to secure the public property in every department of state without exception.

The second Report of the Finance Committee was on the subject of the Bank of England, as managers of the public funds. The Committee had made a very particular statement of the public dealings with the Bank, and had pointed out a very large saving, highly advisable and practicable, in the allowance to be made them in future. They were allowed, at the commencement of the sinking fund, equal to 450*l.* per million for their charges of management, but what might be reasonable for management of a small sum, became the heighth of extravagance on a sum of such enormous magnitude as the public concern now annually amounts to; at a period too, when the House must be perfectly confident that other bankers would chearfully undertake the management at one guinea, or, at the utmost, one and a half per million, with equal security and accommodation to the public; or indeed without any allowance whatever for management, as the Bank of England ought to do, seeing, that by the use of the public funds and their issue of Bank paper only, they are put in the capacity, and are in the habit and profit, of discounting mercantile bills and commercial undertakings of from one and an half to two millions sterling per week; and that, as one of the obvious results of these enormous profits and advantages, Bank stock has within the same period more than doubled in value. The chairman of the Finance Committee very strenuously contended in his place in this House, for the reduction alluded to, but to no purpose; and in this negative I contend (said Mr. Moore), this Second Report was virtually annihilated; and as I stated last year, the sacrifice of the public rights was no less than 200,000*l.* per annum.

The third Report of the Finance Committee exhibited the pensions, places, sinecures, and reversions, out of which the question now before the House has arisen.—Now, said Mr. Moore, of the whole of the Reports made by the Committee, this question for the prohibition of reversions, seems to be the only object which great pains have been taken to follow up, and to render complete and final; and the House testifies under what difficulties it labours, what extensive, and formidable, dark, insidious opposition it has to encounter, so as to afford little prospect of success by following it up with bill after bill, sessions after sessions, in a manner they have experienced. I will not, said Mr. Moore, use those harsh terms which the question justifies, but I insist on it there is a fixed and systematic hypocritical insincerity somewhere: and thus feeling, he trusted that the House would not part with their jurisdiction over this financial question, and that they would prefer address upon address, year after year, until their reasonable and national end was accomplished.

The last Report of the Finance Committee, continued Mr. Moore, brought to the knowledge of the House and the nation, the conduct of the life-and-property-pledgers, and their meaning and interpretation of "Loyalty," in the truly patriotic and disinterested secret management of Mr. John Bowles and the Dutch commissioners, in their trust of nearly two millions of public property, for a period of upwards of 14 years.—For want of the public accounts of last year, said Mr. Moore,) on which subject he would move for a standing order as soon as the enquiry and state of the business before the House would admit of it,) it was not possible for him or any member of the House not in office, to know, what had been done by ministers, on the subject of the large sums of money reported to be in the hands of these commissioners.—But he trusted and expected to find, that all those moneys had been brought into the public treasury, and that no class of men of any description should be suffered to lay down the measure and standard of their own reward in appreciation of their own conduct, and to apply the trust-funds of the public to their own separate use and wild abuse. When the annual accounts were produced, Mr. Moore said he should look for a rigid return and account of those monies, or not finding it so, he should have no hesitation in pronouncing his opinion that the ministers of the country had been guilty of great neglect and dereliction of duty.

duty. The people of this country had never been called on, and did not contribute, taxes to promote private interests, or to support a corrupt system of favouritism and predilection:—and he never would silently bear, that those supplies which were consecrated to public dignity, and national security, were misapplied to support a system of corrupt influence and misrule.

These four, Mr. Speaker, are the only Reports hitherto received from the Finance Committee. Of the humble value to which, (though in their original condition and meaning of great importance), they have been reduced by the improvident manner in which they have been disposed of by ministers, I shall now leave the House and the public to form their own judgment. But, feeling as I do, without a change of management, I much despair of the continued labours of the committee proving of much greater comparative advantage to the public. We must, in a great degree, govern our opinions of the future by past advantages. But, Sir, said Mr. Moore, I shall not quit the subject without a particular exhortation to the hon. member on the floor, as chairman of the Committee. I exhort him and his colleagues to a rigid and firm perseverance. They now stand in a very different situation from that of which they very properly complained last year. This sessions the hon. chairman has a committee virtually of his own selection, they have not any personal embarrassment now to complain of; the public expectation is uncommonly great; the national anxiety throbs vastly high for the Committee's final Report, of a whole system of reform and retrenchment in the immense public expenditure of the country, the very savings of which ought to form an important national supply, adverting, that the annual expenditure, at this time, is more than four times the amount, at the beginning of the war.—It is true, said Mr. Moore, the Committee of Finance have received no great encouragement to continue their honourable exertions to the public, from the ministerial countenance given to their Reports on detached subjects. But he nevertheless conjured them to a steady perseverance for the gratification of the public in the production of an whole system, which the public expected as the result of their integrity, firmness, and decision; and he trusted, such a Report would now come, in strength so formidable, as to render it difficult, in the extreme, for any minister, whether in or out of this House, to venture to resist it, after the unqualified confession, so lately made in this House, in truth and in fact from the materials of the minister's own private escrutoire, and to which they have not any one of them offered any contradiction, of the distressed state of the finances of the country.—An hon. member on this side the House (Mr. Giddy) has suggested as an alternative of obtaining the bill in question, and in future of avoiding the opposition given to it in the House of Lords, to address the King to pray his royal assent to both Houses for instituting a bill for the purpose. Mr. Moore said, he thought this the most extraordinary doctrine he had ever heard within those walls,—that the House should petition the King for leave to move in a financial case, which from the very essence of the constitution exclusively appertained to this House alone, and he was sure it could not for a moment be countenanced by the House. Perhaps, said Mr. Moore, the hon. member confounds this with the practice which prevails, that when any petition comes before the House implicating the grant of public money, that it must have the king's consent; but, continued he, the last case is wholly different, and extends only to a point of compromise, as it may be called; the application is made on a conclusion that the grant to be made is out of money which has already been voted and appropriated to his Majesty's use, as the national supplies, and that any part to be otherwise appropriated by the consent of the crown the House will make good.—Not however, said he, but that there appears a manifest absurdity in these messages, of the crown —consenting that the House shall dispose of their own supplies, and he should be ready to discuss the point with a view to set the principle at rest. The right hon. the secretary at state for the home department has asked, would the House now imitate the arbitrary times of Charles the 1st, and arrogate to themselves the whole powers of the legislature. Mr. Moore said, no: the financial jurisdiction was exclusively their own, and conjured the House not to part with it. He said, the times of Charles 1. had indeed a committee of safety: so he trusted had the present; for, in that light, he now considered the Finance Committee—he said, he desired no other committee of safety, and deprecated any other, contending as he did, that the preservation of the finances was the preservation of the throne and of the people; of all the various altars of the nation, and of all its sacred and proud institutions; and, in fine, of the empire itself; and that those who advocated the reform of the finances were the best friends and truest supporters of the whole fabric;—of the most splendid monarchy and system of freedom ever erected at the shrine of integrity.

Mr. *Whitbread,* before the question should be put, begged to say a very few words. He held in his hand a paper, which informed him of the objection which caused the bill sent up from that House during the present session to be rejected in another House. He found that objection was merely a technical one. What was the reason for rejecting the bill to the same effect that had originated in that House, he could not say. The objection, however, being only technical, he could see no reason why another bill should not be brought in, to abolish reversions in perpetuity. He was sorry he was not in the House when the hon. gent. brought forward the present motion, as thereby he was not aware of the hon. gentleman's reasons for preferring the course he had taken; but if the hon. gent. would shortly re-state those reasons, in the manner which the courtesy of the House usually allowed, on such occasions, he would be much obliged to him. He was sorry to give the hon. gent. so much trouble, but if he would consent to withdraw his present motion, and bring in a bill for the abolition in perpetuity, he thought he would find it the most efficacious mode of proceeding. Those who wished for a bill of suspension were the greatest enemies to the abolition. He would not, therefore, trust himself among enemies again with a bill of suspension, but would rather proceed by address, if one of these two modes must be adopted.

Mr. *Bankes* said, that his reason for moving an address was, that he thought it the best course the House could pursue, to obtain the object they had in view. If, however, it was the opinion of the House, or of his hon. friends near him, that bringing in a new bill for the abolition of reversions in perpetuity would be a better measure, it would be perfectly agreeable to him, and he should have no objection to withdraw his motion. He thought a suspending bill would be, and was intended to be, the means of defeating his object altogether; and he was, therefore, determined not to agree to that measure. With the leave of the House he would, therefore, withdraw his present motion, and hoped he might, to avoid any loss of time, be permitted to move immediately for leave to bring in a bill to abolish in perpetuity the granting of offices in reversion.

The *Chancellor of the Exchequer* said, he had no constitutional objection to the bringing in of such a bill; but there was too much reason to believe, from what had been seen by the Lords' Journals, that the bill would again be thrown out in that House. He should still object also to proceeding by address, and not by bill, because in adopting such a course, that House would be assuming to itself a legislative power, and that, at a time, when they knew the other branch of the legislature would not agree to it. If his hon. friend was determined to bring in a new bill, he thought the proper time for him to move his amendment to make it a bill of suspension for a limited time, would be when the motion should be made; and, therefore, the business could not, he thought, be regularly brought on to-night.

The *Speaker* said, that before he put the question for withdrawing the motion, it might, perhaps, as some allusions had been made to the technical objection raised in another place, be necessary for him to say a few words on that subject. He should not mention any name as to place or person, because as that House did not suffer any reference to be made to what passed there, it was incumbent on them to pay the same respect to the proceedings elsewhere. The bill then was, before it was sent up to the other House, submitted to his consideration in point of matter of form. He said he could have wished it to have been an entire new bill, in which no notice whatever had been taken of any former proceeding on the subject; but as the bill had been thus brought in, and had made its progress through the House, he thought that it was perfectly regular in point of form; and whatever might have been said by any other person, in any other place, upon that head, he still continued of the same opinion. He was confirmed in it from the long course of practice which had prevailed in the House, in passing perpetuating bills in the cases of expiring laws; and so long as the House continued in the same course, so long should he persist in maintaining the same opinion.

The motion was then, with the leave of the House, withdrawn, and Mr. Bankes gave notice, that he would, on Tuesday next, move for leave to bring in his bill.

HOUSE OF LORDS.

Thursday, March 8.

[THE ARMY.] The Earl of *Darnley* said, it was not his intention, on this occasion, to occupy much of their Lordships time, but seeing several of his Majesty's ministers in their places, he would put to them a question relative to a rumour generally prevalent; whether it was purposed to send every disposable soldier, fit for foreign service, out of the country? To this question they might return what answer they should think fit; they might answer it in the negative, or not at all; but he should take an opportunity, if he were not satisfied, to draw their Lordships' attention more directly to the subject.

The Earl of *Liverpool* observed, he was not persuaded there was much propriety in putting such a question upon the authority of public rumour. He had only to answer that the noble lord might rest satisfied that no soldier would be sent on foreign service, without regard to our own security, which would always demand the particular care of his Majesty's government.

The Earl of *Darnley* replied, that the answer returned by the noble earl, induced him to think, it would be necessary to call their Lordships' attention to the subject. It was a question of serious consideration for the House to come to a decision whether they would place blind confidence in those ministers who had so wasted and destroyed the resources of the country and the numbers of our army. He should, therefore, to-morrow, express his sentiments, on the ground of what had come to his knowledge upon the subject; and he moved, "That the Lords be summoned accordingly."—Ordered.

[ROMAN CATHOLIC PETITION.] Lord *Grenville* rose to present a Petition on behalf of the Roman Catholics of the county and city of Waterford. His lordship wished to take the present opportunity of re-stating his opinions upon this important subject. Indeed it could scarcely now be necessary for him to re-state them to their Lordships. He had some time back adopted the most public mode of declaring and disseminating them (by his letter to lord Fingal), and he had now only to say, that whatever circumstances had since intervened, he not only had not altered those opinions, but they had been strengthened and confirmed. He had maturely weighed those opinions. They had not been lightly taken up. Much less had he since made any attempt to change their character and complexion, with a view to square them to any new doctrine, or to suit them to any new purpose. In the sentiments he had invariably expressed on this most important subject, he should most steadily persevere; at the same time it was not his intention to ground any measure on the present Petition, but merely to move that it do lie on their Lordships' table.

The Petition was then read, and ordered to lie on the table.

HOUSE OF COMMONS.

Thursday, March 8.

[THANKS TO LIEUT. GEN. SIR STAPLETON COTTON AND BRIG. GEN. ANSON.] Lieut.-gen. sir Stapleton Cotton, bart. and brig.-general George Anson being come to the House, Mr. Speaker acquainted them, that the House had upon the 1st of Feb. last resolved, That the Thanks of this House be given to them for their distinguished exertions on the 27th and 28th of July last in the memorable battle of Talavera, which terminated in the signal defeat of the forces of the enemy; and Mr. Speaker gave them the Thanks of the House accordingly as followeth, viz.

"Lieutenant-general sir Stapleton Cotton, and Brigadier-general Anson.

"Upon your return from the eventful wars of Spain, whatever variance of opinion, whatever alternation of hopes and apprehensions you may have found to prevail in this country respecting the progress and final issue of that awful contest, nevertheless, your distinguished conduct and services have not failed to call forth one universal expression of applause and admiration.—The British cavalry has been long renowned in war. Victorious in other times over the troops of France, it feared not again to meet its former rivals, flushed even as they were with the pride of conquest, and the spoil of many nations. Led by your swords it again displayed a strength and valour irresistible in the shock of arms, and renewed its ancient triumphs in the hard-fought field of Talavera. When the history of these memorable days shall be read by our latest descendents, be assured, that your names will be repeated with exultation, and your deeds recounted in the list of those heroic achievements.—You serve not an ungrateful country. It well knows that military fame is national power. And this House, ever prompt to proclaim its gratitude for eminent services in war, has therefore conferred upon you the honour of its unanimous Thanks. And I do now accordingly, in the name and by the command of the Commons of the United Kingdom, thank you for your distinguished exertions on the 27th and 28th days of July last in the memorable battle of Talavera, which terminated in the signal defeat of the forces of the enemy."

Upon which Lieut.-General sir *Stapleton Cotton* said,

"Mr. Speaker; In endeavouring to express my sense of the very high honour which has been conferred upon me, and which has been communicated to me by you, Sir, in so flattering a manner, I fear I shall fall far short of what my feelings are upon this occasion.—To receive the thanks of parliament is one of the highest rewards to which a soldier can aspire; and believe me, Sir, I shall ever consider it my greatest pride to have been so honoured: This, I may venture to say, is the feeling of all my brother officers and soldiers who had the good fortune to be commanded by one of the most able and distinguished generals that has adorned the annals of this country, and who will, I trust (should an opportunity offer), again prove to the world that a British army is not to be beat by a French force of double its numbers."

Brigadier General *Anson* then said,

"Mr. Speaker; That any part of my professional conduct should have been deemed worthy the particular notice of this House, and of my country, is no less honourable than gratifying to my feelings: I must, however, be allowed to confess myself more indebted for this distintinguished honour to the exertions of those brave soldiers with whom I had the glory of being associated, than to any particular merit attached to myself individually.—I beg to express to this honourable House the high sense I entertain of the honour it has conferred upon me; and that it will ever be the pride of my life to have been thought, in the slightest degree, deserving of its good opinion. To you, Sir, I must beg to make my warmest acknowledgments for the very handsome and polite manner in which you have conveyed to me the sentiments of this House, and for the many very gratifying expressions with which you have accompanied the communication of this most flattering distinction."

Ordered, *nem. con.* That what has been now said by Mr. Speaker, together with the Answers thereto, be printed in the Votes of this day.

HOUSE OF COMMONS.

Friday March 9.

[Admiralty Court.] Lord *Cochrane* moved for several additional papers relative to the proceedings in the prize courts upon the vessel called the Two Sisters, and various others, and gave notice of an intention to move that the subject be referred to a Committee. These papers were necessary for the elucidation of those which had been produced by the gentlemen on the other side. He repeated some of his former statements respecting the convoy taken in the Baltic, and as to the injurious effects which the abuses in the court of admiralty had upon the energy of the navy, and affirmed that greater exertions could be made with a far less number of ships, and a much less expence if these discouragements were removed. He added the revenues of France from her customs, that, which flourished under the present system ,would by the correction of the abuses in prize proceedings be almost destroyed, and our own revenues augmented in proportion.

Mr. *Rose* had no objection to the production of such of the papers as were now in the admiralty court.

Sir *John Nicholls* observed, that the person to whom the noble lord alluded as having derived a very large share of the profits of the condemnation of several vessels, had been properly rewarded in this manner, because it was by his means that the evidence was obtained which caused their condemnation. He had been employed in neutralizing many of the enemy's ships, and offered, on terms, to secure evidence, not only of their being enemy's property, but also to discover several that had been neutralized by others. He accordingly went to the continent, and very ingeniously drew the French minister of marine into a correspondence which brought the truth to light. He wished the name of that person should be kept as secret as possible. He saw no use in calling for these papers, as the matters to which they referred were explained by the papers already on the table; but he would not object to the production of them. Even if the noble lord, however, succeeded in proving his allegations the judge of the admiralty would not be affected because overcharges and such matters of practice did not come regularly under his cognizance. He then passed a high eulogium on the character and abilities of the judge of the admiralty court, who, by a course of decisions which were published, had established a system of maritime jurisprudence, that shewed the world that we were not the tyrants of the seas, but that our proceedings were founded in justice and moderation. Notwithstanding the interference of his duties with the interests of the people of other nations, there was no man whose character stood higher either in Europe or on the other side of the Atlantic than that of the judge of the admiralty. He hoped the noble lord, therefore, would see the propriety of abstaining from indiscriminate censures upon the court of admiralty, as this might be extremely injurious to the public service.

Sir *Charles Pole* stated, that he had a paper in his hand from a person whom the right hon. gent. opposite (Mr. Rose) had accused of charging more than the king's proctor, representing him as having charged 50 guineas for a memorial. The paper stated that this person had never charged more than two guineas for any single memorial. If he had made a charge of 50 guineas, therefore, it must have included a variety of items in several causes.

Mr. *Rose* said, that he had spoken from an account given in to the register of the admiralty on oath, where a memorial was set down, 50 guineas. This, however, might admit of explanation. He maintained, that if the business carried on by the king's proctor should be thrown open, the consequence would be extremely injurious to the navy, and to the interests of commerce, as the ships of innocent persons would be almost perpetually brought in for adjudication, to the detriment of the captors and merchants. He now, however, had almost daily before him cases of charges in prize proceedings, and he pledged himself to the navy and to the country, to bring these, where they seemed improper, before the admiralty court, and procure redress and a steady system of charge for the future. He would either do justice to the navy on this point, or prove that the complaints of the noble lord were unfounded. He also paid a high compliment to the ability, industry, and integrity of the judge of the admiralty court, who was highly respected all over the world—even by the enemy. A near relation of his having been lately in America, had remarked on his coming home, that it was singular that notwithstanding the great number of American vessels brought before the admiralty court, there was no man more esteemed in that country than his hon. friend near him (Sir W. Scott.)

Lord *Cochrane* observed, with reference to what had fallen from the hon. gent. opposite (sir John Nicholls), that it was improper that the navy should be obliged to pay spies. They ought to be paid by the government. Another hon. gent. (Mr. Rose) had admitted that there were abuses in the admiralty court, and, he trusted therefore, he would not oppose the going into a committee to correct them. He repeated his assertions as to the excellent effects which the correction of these abuses would have upon the energies of the navy, and affirmed, that in the way of capture, a well manned frigate, under proper encouragement, would do more than the whole channel fleet did at present.

Sir *W. Scott* observed with some warmth, that the noble lord had taken merit to himself for having brought forward the accusation at the end of last session. He could not concur in the opinion that the noble lord deserved approbation on that account. It was brought forward at a time when it was impossible that the necessary means could be used to repel it; and thus the accusation hung over him for six months, and as his friends could not be all aware how very unfounded these charges were, the accused was in some measure in the situation of an excommunicated person. He could not therefore agree that the noble lord had treated him in this business with candour or justice. In the early part of this session, the noble lord had taken an opportunity of repeating all the invectives before the time came when they could be answered. He had now however, brought his facts before the House in the papers laid on the table; and the result was, that though they should be all proved to the utmost extent, the character of the judge and of the court of admiralty would not be in the least affected by them. They were circumstances for which the judge was not at all responsible. The judge was only responsible for his own conduct and that of those acting under him, when regularly brought to his notice. The king's proctor and advocate were officers of the crown like the attorney and solicitor general. The court was not responsible for their conduct or charges, nor for the charges and conduct of any of those practising in it, except complaint was made to the judge. He had no more knowledge of these things than the noble lord himself. If any improper practices of this nature, supposing them to exist, (which he was far from believing to the extent stated by the noble lord) had been brought to his notice, and he had refused to do justice, then, indeed, ought he to hear the thunders of that House about his head, as he had heard the noble lord's invectives. As to the confining of captors to the king's proctor, he believed it to be a wise and prudent regulation; but still he had nothing to do with it. That did not in the least depend on him. This was an ordinance of the king in council, for which he was not responsible. For himself he would not object to the production of the papers now called for, though he did not well see what good purpose they could serve. The noble lord had before called for all the papers relative to the matters of prize, which was in fact calling for all the records of the admiralty, which could not be examined. With all due respect for the noble lord's talents, and talents like his must ever be respected, however appreciated, he could not help wondering that he had ever proposed such a motion. There might possibly be some objectionable facts relative to proctor's bills, but what could the court of admiralty have done on that point, unless brought to its notice? The hon. judge then observed, that he did not mean to claim any particular respect for the admiralty court, but he submitted to the noble lord and the House, that it was necessary to the due administration of justice in that court, that it should be respected; and that no court could stand against these general imputations, which might produce an injurious impression *non vi sed sæpe cadendo.* These acts, as he said before, did not at all apply to the court, but even if they had done so to a certain extent, there was a respect due to a court of justice, which ought not to be forgotten. The noble lord would recollect, that it was the province of that court to maintain the maritime rights of this country, and that this could not be done without exciting a good deal of irritation in neutrals. But if these imputations were perpetually thrown out against it, neutral nations would not submit with any degree of patience. The profession the noble lord had chosen was most honourable, and he (sir William Scott) had, in his humble sphere, been as attentive as possible to its interests. But such imputations as these might produce dangerous impressions in the lower orders, for he could not suppose that the officers could be misled by them. What would be their feelings if they were really to believe that there was a general conspiracy in the admiralty court against them? The honourable judge concluded by repeating that even if the noble lord made out his case to the full extent (which he could not), the court of admiralty would not be at all affected.

Lord *Cochrane* explained.

Mr. *William Smith* had no doubt of the personal integrity of the judge in his public and private capacity; but, he stated, that he believed it to be the practice, when a vessel was brought in and proved to belong to a friendly power, and was consequently discharged by the court, if an appeal was lodged, and war broke out with that power, pending the appeals, to condemn the vessel as lawful prize. He knew of nothing more like public robbery and piracy on the high seas, than such a practice. This perhaps was also the practice of other nations, but it became this country to set the example of a more liberal system. He did not, however, mean to blame any particular judge or minister.

The *Chancellor of the Exchequer* said, that with regard to the papers moved for, he would not object to their production, although he did not think that this House ought to be called upon in the first instance, to sit in judgment upon attorneys' and proctors' bills. When the papers should be all before the House, it would be then fit to consider, whether to refer them to a committee, or remit the matter to the admiralty court.—There was another point also, to which he particularly begged the attention of the noble lord. He seemed to imagine that the French custom-houses were an ample source of revenue to that nation. But it appeared, from a statement of the French minister of finance, that the case was far otherwise,

—for he stated, that, in consequence of the French decrees and our consequent orders in council, the produce of the French customs had experienced a very serious diminution indeed, and the minister consoled the nation for this, from the consideration of the vast diminution which they supposed must have taken place in our exports.

After some further conversation, the motion was put and carried.

[DEFENCE OF PORTUGAL.] The Chancellor of the Exchequer moved the order of the day for the House going into a committee of supply. The House then resolved into the committee.

The *Chancellor of the Exchequer,* in submitting to the committee a proposition for granting to his Majesty a sum not exceeding 980,000*l.* to be applied in providing for the defence of Portugal, should have thought that vote so consistent with the feelings professed by the House on former occasions (had it not been for the observations thrown out on his notice), that he should not have expected any opposition to the motion. If the House was still influenced by that noble sympathy, which had hitherto so strongly interested them in the cause of the Spaniards suffering under the perfidy, atrocity, and usurpation of France, he was persuaded, that there could exist no disposition in the committee to resist his motion. He was well aware at the same time, that it might be said, that the measure he had to propose related not to Spain, but to Portugal. He must contend, that the interests of both could not be separated; that whatever should be done to give strength to Portugal, would add to the means of Spain; and that to provide for the defence and security of the former country, would be to promote the general interests of the peninsula, and the particular success of the Spanish cause. It was incumbent upon him, however, to admit, that, if France should ever succeed in establishing a secure and tranquil government in Spain, it would be impossible for Portugal, with even the assistance which this country could afford, effectually to resist the attempts of France. But if this country should still continue to hold Portugal, pending the struggle in Spain, and thereby menace the French forces in that country, he was sure it would be admitted, that we should by that means effectually promote the cause of Spain, and consequently the interests of all parts of the peninsula. He begged in this place particularly to refer to the feelings which had been excited in this country by the first burst of Spanish patriotism; and here he did not mean that general and ardent spirit of enthusiasm which glowed in every British bosom on receipt of the intelligence of the congenial efforts of the Spanish people, but that more deliberate judgment which was contained in the recorded opinion of Parliament. In the Address of that House, at the commencement of last session, he found the following paragraph: "We congratulate your Majesty on your receiving from the Spanish government, the strongest assurances of their determined perseverance in the cause of the legitimate monarchy, and of the national independence of Spain; and that, so long as the people of Spain shall remain true to themselves, your Majesty will continue to them your most strenuous assistance and support."—These were the sentiments which that House entertained last year upon the subject. In the Address, at the commencement of the present session, they had said, "We cannot sufficiently express our satisfaction, that the Spanish government, in the name and by the authority of Ferdinand VII, has determined to assemble the general and extraordinary cortes of the nation. We confidently trust, this measure will give fresh animation and vigour to the councils and the arms of Spain, and successfully direct the energies and spirit of the Spanish people to the maintenance of their legitimate monarchy, and to the ultimate deliverance of the Spanish nation."—When the House therefore had expressed such sentiments in their recorded votes, it was not too much to expect, that the committee, with a view to confirm the principles upon which those sentiments were founded, would not oppose the measure he had to propose—a measure taken in direct conformity with the wishes of the nation, and the votes of Parliament. He was persuaded even, that, if the House were now, for the first time, called upon for an opinion upon the subject, so far from regretting their former opinion, they would be actuated by the same sentiments and feelings, which were not more congenial to the character and honour, than conducive to the best interests of the nation. If they were to look at the question in this point of view, then, they would find the measure proposed not alone due to the honour and character of the British name, but upon considerations of sordid interest, find it equally consistent with sound policy as with national honour and reputation: no less dictated by maxims of prudence and interest, than consonant to every principle of public faith, national policy, and liberal conduct. It would not be doubted, he was convinced, that the cause of Spain was now the cause of this country; and that the longer we could make or enable that country to resist the strength, and exhaust the military resources of France, the more we should promote the interest of this country in the existing war. As long, therefore, as there should remain a hope of success in Spain, it was obviously the best policy of this country to keep up the spirit of resistance to French usurpation in the Spanish nation. The power of France could never be completely confirmed, or really secure in Europe, until that power should be established on the ruins of the independence of Spain: because, so long as the Spanish nation should continue to resist the usurpations of France, it would be necessary for that power to direct a great proportion of its strength and disposeable force against Spain. It was, consequently, the duty as well as the policy of this country, to foment and keep alive in the peninsula that spirit, which alone could hold out any hope of success to the cause, which might thus perhaps eventually become the germ of the liberty and independence of the world.—It was not then a question to consider, what where the best points of the peninsula to which our succours should be directed, or whether Spain was under any circumstances to be supported. The fact was, that we were at present not only in possession of Portugal, but that we were in great strength in that country. The real question to be considered therefore was, whether, in possession of Portugal, under such circumstances, the House should adopt the proposition, either to support those, who were disposed to continue the struggle in that country, or by withdrawing the British army to leave them to their fate, and abandon their cause altogether. The question he should repeat, really was, whether that House should determine to sustain the cause of the peninsula in Portugal, or by deserting it, leave that country to be over-run by the enemy; in doing which, they would surrender to France the most convenient station, and the most important instrument of hostility against this country. Was that a question which gentlemen were prepared to accede to? Would the Committee deem it prudent or politic to leave the British army in that country, and not avail itself of the support and additional strength which was to be derived from the Portuguese army intended, by the measure he had to propose, to be taken into British pay? If they should be of opinion that the English army could answer any useful purpose by remaining in Portugal, surely it must be desirable to take advantage of any accession of force which the means of the country afforded, and which would consequently enhance the ultimate prospect of the cause. But if they should now think to withdraw their army—if they should, in this instance, not feel those sentiments, which made them express to his Majesty their approbation of his having entered into a treaty with Spain after her reverses—if in the contemplation of the present difficulties, and without a just regard to the prospective interests of the cause of the peninsula, they should determine to abandon Portugal altogether, sure he was, that it would be in effect to abandon the cause of this country, as well as to tarnish the character and honour of the nation. When he looked back to that feeling, which induced parliament to approve of a perseverance in support of the Spanish cause, after the difficulties and reverses which had been sustained in Spain, he could not bring himself to suppose that any indisposition would be shewn on this occasion to maintain still the cause of the peninsula. At a period, when the hopes of Spain were so reduced; when the cause of that country was to be sustained almost within the walls of Cales, was it, he would ask, either for the interest of the surviving energies of the Spanish cause, or for the immediate advantage of the cause of this country, that we should withdraw, or profess to withdraw, the British army from Portugal? What consequence could result from such a course, but the inevitable subjection of Spain and Portugal, and the necessary augmentation of the enemy's means of hostility against this country?—But it might be said, that by still retaining possession of Portugal, we should only be able to occupy 30, 40, or 50,000 French troops in that country. Even if that were the true state of the case, he would ask, whether that would not be a material object, at a time, when the French army was

was likely to be fully occupied in Spain? Was it nothing, that, if the French should think of invading Portugal, they should, in order to give them any hope of success, bring an army of at least 100,000 men to act against that country? Or, should Portugal be left, by withdrawing the British army, in such a state, that 10,000 men would be amply sufficient to over-run and subjugate that nation? Such a sentiment he did not expect to hear expressed in that House. Indeed, so convinced was he of the wisdom and policy of the measure he meant to propose, that he should not have felt it necessary to make any observations to recommend it to the adoption of the Committee, if it had not been for the manner in which his notice had been received by the gentleman opposite, and which led him to think it would possibly meet with opposition. But it might be asked, whether any person could be sanguine enough now to hope, that the Spanish cause could succeed? If he were not sanguine enough to entertain such an expectation, still, it was his opinion, that the cause ought not to be abandoned. But what were they to think of the sentiments of those gentlemen, who were always of opinion that it was impossible for Spain to hold out so long—they, who told the House so often, that the cause was hopeless—that it was vain to send out British troops to sustain it—that if Spain was to succeed at all, she must succeed at once—and that she could never maintain a protracted contest against the disciplined armies and enormous resources of France? Spain had continued the struggle hitherto, however; and whatever might be the gloomy aspect of her affairs at present, the cause of the peninsula, according to his opinion, ought not to be abandoned. He was sanguine enough thus far to think that it would be extremely difficult for France to establish a tranquil dominion in Spain, unless Great Britain should separate herself from the cause of that country. But a secure or tranquil government France could not erect in Spain without much difficulty, nor easily make any effectual application of the means of the peninsula in her hostility against this country whilst we continued to assist its efforts. She might occupy Spain with an army, but her power would be confined within the limits of her military posts; and it would require nearly as large an army to keep possession, as to make a conquest of Spain. There never had existed a nation capable of subduing a population possessing the mind, and heart, and soul of the Spaniards. They might sustain reverses; but the very victories, and the triumphs of their enemies, would teach them discipline, and infuse into them a spirit which would ultimately be the ruin of their oppressors. Under these circumstances he should put it to the House, whether it would be prudent or wise to abandon Portugal. The last Austrian war had arisen, in a great measure, out of the contest in the peninsula. During the progress of that war, however calamitous its result had proved, it would be in the recollection of the House, that one other day's successful resistance of the French army by the Austrians, might have overthrown the accumulated power of the enemy. That such events might again take place, it was not impossible. No man could anticipate what might arise of this description in the course of a short period, and under all the circumstances of the world; but as long as the contest was, or could be, maintained in the peninsula, he considered it the best policy of this country to support aud promote it. Under this impression, therefore, he should move "That the sum of 980,000*l.* be granted to his Majesty, to enable his Majesty to make advances to the Portuguese government in support of its exertions in that kingdom, by taking 30,000 Portuguese troops into the British pay." He had only to add, that it was proposed to make these advances pursuant to an arrangement made with the Portuguese government, and not by a treaty which would be binding on the country, or take the expenditure out of the controul of parliament.

Sir *John Newport* observed that the latter part of the right hon. gent.'s statement had relieved him from much difficulty, as the advance was not to be made in pursuance of any arrangement that could fetter the judgment of that House. He was surprized that the right hon. gent. could have supposed that such a motion would be agreed to without opposition. If any question could provoke opposition, it must be that which would make them continue efforts in a cause, which every one but the right hon. gent. considered hopeless. The hon. baronet then referred to the documents, to shew that the Portuguese levies had not been expedited as they should have been. He did not think the embodying of 30,000 Portuguese troops, at the expence of nearly one million, could prop the hopeless cause of Spain, now confined almost within the walls of Cadiz. The right hon. gent. had relied much upon the recorded opinion of parliament. Whilst the Spaniards were true to themselves, parliament was pledged to support them. But he denied that they had been true to themselves. If they should be obliged to embark the British army, as he supposed they would, what was to be done with these 30,000 Portuguese troops? Were they to be brought to this country, and added to the already enormous foreign army in its service, or were they to be sent to the Brazils, or to be left fully equipped and ready to add to the military force of Buonaparté? He trusted, whatever the right hon. gent. might say of the difficulty of establishing a tranquil French government in Spain, that the means and resources of this country would not be wasted in encouraging an intestine desultory warfare in that kingdom. As the contest was now hopeless, he would not trust any more men to the disposal of ministers, all whose measures, down to the present hour, had been characterized by a wanton waste of blood and treasure.

Mr. *Villiers* said, that in promoting the transactions which had been pressed upon his attention by the government, he had used all the energy, warmth, and activity which his frame was capable of. He had laboured with all the zeal and industry in his power; and had the satisfaction to add, that he had laboured with effect. As to the question under consideration, it was, in his opinion, not a question whether one million was to be expended upon this service, but whether they were to leave the British army in that country without availing themselves of all the assistance which Portugal could afford in support of it? He could not think that any gentleman would be of that opinion. With respect to Portugal itself, he could assure gentlemen, that the government of that country was administered with great energy and vigour. Large supplies of money had been raised to meet the public exigencies —the old military constitution of the country had been restored—the finances of the country were ably administered and well collected—and the war department conducted with much energy and ability. As to Spain, he must say, and it was his deliberate opinion, that if Spain had done its duty equally with Portugal in supporting the efforts of this country, its cause would have triumphed, and there would not now be a Frenchman on the Spanish territory. He could not conceive why any gentleman could think, that the British army should remain in Portugal, without taking to its aid the important accession of the Portuguese army, or rendering the spirit with which it was actuated available to the common cause. The Portuguese army had been greatly improved; and that was owing principally to the spirit. industry, exertions, and activity of marshal Beresford, whose indefatigable efforts and attention, under the direction of his very superior talents, had raised up a most respectable military force in Portugal.

Mr. *Curwen* should not have taken any part in this discussion, if not convinced of the very serious importance of the question. He had listened throughout with the greatest attention to the hon. gent. who had just sat down, because he expected to have heard something from him, which might induce him to continue of the same opinion as heretofore respecting the Spanish cause. No man would be ready to go farther for Spain; but when ministers themselves said, that there was scarcely a hope remaining, what thinking man would wish to continue the struggle? When they heard the hon. gent. say, that Spain had not done its duty, that was no time to think of hazarding a gallant army in the peninsula. He could have wished, that in enumerating the vigour of the government and of the departments, the hon. gent. had made some mention of the energy of the people. As the Portuguese people had suffered a French army to over-run their country, without any resistance, he was not for placing much reliance upon the Portuguese troops; and he really should think our gallant army in an alarming predicament, if exposed in that country, under such circumstances. He could not imagine that there was any rational hope of success. Since we had first undertaken to support the cause of the peninsula, a great alteration of circumstances had taken place and considerable additions had been made to our burthens. If the enemy could point out what he would prefer that we should undertake, he was convinced that his first wish would be, that we should undertake to defend Portugal.—It had been argued in the beginning of the session, by an hon. gent. (Mr. Huskisson,) that retrenchments in our financial expenditure were necessary, and he (Mr. Curwen) was perfectly convinced of the truth of that position, but he was sorry that the hon. gent. had not entertained the same opinion when that subject was brought forward last session by the hon. member for Oakhampton (Mr. Wardle). If the hon. gent. had then stood forward with those plans of retrenchment which he had so ably recommended since, he verily believed we should not have had to lament the disgraceful Expedition to Walcheren, and the profuse and lavish expenditure of blood and treasure that accompanied it. He assured the House that in uttering these sentiments, he spoke from no party feelings whatever. He spoke the plain genuine sentiments of a man most anxious for the welfare of the country, which, if great care was not taken by that House to check the profusion and extravagance which had so long prevailed in all the departments of the government must be soon reduced to such a situation that he trembled for the consequences. He begged the House to recollect that the constitution had undergone a very great and extraordinary change, and that the situation of that House had become very different from what it formerly was. When the present family came to the throne, that House was universally looked upon with the highest and most unqualified respect —its members were then considered as the real representatives of the people, and no minister would have dared to think of keeping his place one moment after he had lost their confidence; but now ministers, in defiance of repeated and considerable majorities, kept their places, and seemed to look for an acquiescence in their measures, notwithstanding they had been so repeatedly told that the House was afraid to trust them any farther.—He could see no reason why the House should be called on to vote so large a sum of money as was asked for by the present resolution for the purpose of taking into our pay an army of Portuguese soldiers, when the country was already so heavily burdened. But he was by no means one of those who despaired either of the exertions, or the finances of the country, provided they were administered with prudence and frugality. Neither of these qualities, however, were possessed by his Majesty's present ministers. They had long been too much confided in by the House; and it was now high time they should pause before they carried their confidence any further. If ever there was a moment that called on every reflecting and independent man to make that pause, and to consider seriously what they were doing, this was the moment; and if now neglected to be made use of, he feared the consequences would be most dreadful and ever to be regretted. Bounaparté could not receive more cheering hopes of his ultimate success in the struggle in which he was engaged, that he would derive from learning that the present ministers were to continue in office, and that the House of Commons still persisted in placing a blind confidence in them, and thereby enabling them to enter upon measures which in their inevitable result could not fail to answer all his purposes. Buonaparté knew this country; was acquainted with our resources; and he was afraid he depended more on the prodigality which now prevailed, as more certain to work our downfal, than upon all the efforts he could make against us. The right hon. gent. opposite had talked of not forsaking our allies the Spaniards, and of driving the French out of Spain. No man could more sincerely wish success to the Spaniards than he did; no man could be more anxious to assist them, whilst there was a probability of doing it with any effect. But as to our driving the French out of Spain, he was afraid the notion was absurd; and he thought the vote of the House this night, against the measure brought forward by the right hon. gent. if the House should decide against it, would be more important than if we were to take half the French army prisoners. Under these circumstances, convinced as he was of the absolute necessity of retrenchment, he should certainly vote against the motion.

Mr. *Leslie Foster* rose and said: My right hon. friend has, I think justly, connected the present proposition of his Majesty, with his past conduct towards the cause of the peninsula. It is but a continuance and extension of the same spirit of British assistance. It is now, however, open to the reprehension of two classes of politicians, of those who think we never ought to have committed ourselves for the salvation of Portugal and Spain, and of those who, although they approved of that committal, whilst the event appeared at least to be ambiguous, think that the overwhelming power of France, has at length brought this tragedy so nearly to a close, that nothing is now left for us, but to escape, if possible, from being sharers in its catastrophe. In support of these opinions they now appeal to events. Hope, they contend, has vanished, and that there is no longer room for prediction, but that history has already recorded, and that in letters of blood, the fate that awaits our perseverance. They admit, indeed, that the consideration of what plans we are to pursue, is inseparably connected with the policy of what we have hitherto adopted. And that to Portugal alone, we cannot confine our view, but that it is for the peninsula we have fought, and that it is on the prospects of the peninsula we are now to deliberate.—It is easy to pass over a country, and to say "it is all barren," it is easy for a gentleman from Waterford, to characterise the Spanish nation as freebooters and plunderers, and for others to pronounce them in a mass, to be soldiers in disunion or patriots in disgust. To me these wholesale opinions appear not merely unfounded but unsafe; to me I confess the aspect of the peninsula appears nothing less than an enigma, which it is no reflection on any ministers not perfectly to have understood; a revolution bursting out at a period the least expected, exhibiting events in its progress, the most singularly contradictory and pregnant with results, which I still think no man living can foresee.—If on the one hand we are referred to the apathy of Gallicia during the retreat of sir John Moore, if we are denied to remember Ocana and Tudela, and all the other scenes of the defeats which the Spaniards have endured, and endured without despondency, must we not in candour remember that there was a battle of Baylen, and a battle of Valencia? are we to shut our eyes to the extraordinary phenomenon, that in Catalonia, the very next province to France, the French, at this hour, appear to be as often the besieged as the besiegers; and can we forget Saragossa and Gerona? Sir, they never shall be forgotten; but above all, shall we not do justice to that singular obstinacy, to give it no more glorious a character, which has sustained their spirit under two hundred defeats, and which in every period of the history of Spain, has formed its distinguishing characteristic? It is the boast of Englishmen, that they inherit and exhibit the spirit of their ancestors, who fought under our Henrys and our Edwards. In candour we should remember that during the same period, the forefathers of those Spaniards were engaged in a contest which is without a parallel in the history of the world. It is the assertion of their historians, and I remember, that it is repeated by Dr. Robertson, without any expression of their disbelief, that the expulsion of the Moors, which took place so late as in the reign of our Henry 7th, was the fruits of seven centuries of fighting uninterrupted, and of 3,600 battles, and in most of which I believe the Spaniards had been defeated.—In the beaten but persevering Spaniards of these days, I think we may trace the descendants of these peculiar warriors, as easily as we recognise the sons of the conquerors of Cressey and of Agincourt in the English who fought at Talavera. We may trace the same individual fortitude, and patience, the same enthusiastic superstition, the same persevering insensibility of failure, and, I will add, the same absolute indifference as to liberty, constitution, or cortes that distinguished the expellers of the Moors. It is too much, (because we feel and acknowledge that freedom is the first of blessings) it is too much to say that other nations are to be raised in arms by no other motives than its influence. The history of Europe and of England should have taught us, that there is another spirit prompting men to war, and which once poured all Europe forth in the Crusades; and however we may pronounce on the motives of our ancestors, the fact we cannot deny, that the greatest spectacle of embattled nations ever exhibited on the theatre of war, was under governments and systems which indeed were not worth the defending. But because we can look back with wonder on the conduct of our ancestors, is that a reason why the Spaniards, who are to the full as ignorant, and far more barbarous, should not be actuated by similar motives?—Sir, I believe, we might more accurately consider the inhabitants of the peninsula, first, as a multitude of hardy and patient peasantry, buried in ignorance and superstition, and peculiarly accustomed from their cradles by the traditions and the songs of their ancestors, to consider the sword as the natural companion of the cross; and almost inseparably to connect in idea the defence to their religion, with the slaughter of their enemies; and with these predispositions goaded into madness by sixteen myriads of ecclesiastics, as ignorant almost as their flocks; but without an idea or a wish for freedom, with Fernando Settimo in their mouths, as an unmeaning watch-word, and fighting, if you will, for the continuance of the Inquisition. And with these qualifications it is my most firm conviction, that they would have overwhelmed all the armies of France, but that it was their misfortune to be cursed with a nobility in all respects the opposite of the peasantry I have described, differing from them, not merely in their moral qualities, but even in their physical appearance; a nobility of various degrees of worthlessness, but with a few brilliant exceptions, generally proportioned to the rank of their nobility, and further cursed by a government, (I speak not of their kings but of the Junta,) both in its form and in its substance, the most abominable that ever repressed or betrayed the energies of a nation. Hence desperate from repeated treason, destitute of confidence not in themselves but in their commanders, unable to stand before the French in battle, but still more unable to abstain from fighting. A very serious task it was for England to determine what to do with such materials. One rare and unquestionable feature they presented, a nation that would fight with France, and however some may deplore the events that have taken place, certain I am, that if we had not, at least, tried the experiment of fighting by their side, these very men who now most loudly condemn the course we have pursued, would be calling for the impeachment of these ministers who had neglected such glorious opportunities; who in the crisis of the fate of France had shrunk from the only field where there was a prospect of contending with success; who had coldly refused our aid to the only allies who were ever worthy of British co-operation. Sir, I think it is too much an habit to call for the fruits of our battles, tacitly assuming that nothing but the absolute and complete attainment of our object can justify having fought them. I confess I take a different view of this subject; that men should foresee events and command fate is impossible: it is enough for me, if under the circumstances when the decision was adopted, there were grounds sufficient to decide fair judging men to resolve on assisting with a British army, the cause of the peninsula; and if that resolution being once taken, there was enough to decide a prudent commander to advance from the sea shore, and share the fortune of our allies. I cannot therefore subscribe to the phrase of the 'barren laurels' of our victories; yet while I never can agree to measure the justification of a battle by the mere fruits of victory, yet even on this ground I must contend that never were there laurels the more opposite of barren, than those which we all admit to have been reaped by our countrymen in Spain. We, indeed, wanted not to be convinced, that our army, equally as our navy, equalled in science and exceeded in courage, that of any other nation in the world; but if we have any anxiety for our character with other armies, if reputation is strength, and if the reputation of a nation, as well as of an individual, consists not in the estimation in which it holds itself, but in the estimation in which it is held by others, is a false vanity, to cause us to shut our eyes and ears to the opinions of other nations, Sir, I say, without much fear of contradiction, that in the beginning of these events, Spain at least had been convinced by the exertions of her government, misrepresenting our failure at Buonos Ayres, and other scenes of our misfortunes, that Great Britain, omnipotent by sea, was ever ridiculous on land. So much so, that when the army of general Spencer was landed near Cadiz, than which a finer army never left the English shore, it was the wonder as well as the pity of the Spaniards, that such noble-looking soldiers should be so absolutely incapable of fighting; the "beautiful" army was even the emphatic denomination by which the British forces were distinguished; and when sir John Moore was known to be at length on his march, that the beautiful army, the "hermoso exercito" was actually advancing, was a subject of Spanish surprise, at least as much of Spanish exultation; but when that army had commenced its retreat, old impressions were revived with tenfold force, 'hermoso' was no longer the epithet bestowed on it, but one which it is impossible for me to repeat. Nor let it be said, that Corunna was a full vindication of its fame. We, indeed, know that British heriosm never shone more conspicuous than on that day, but the ray of glory which illuminated that last scene of our retreat, was but feebly reflected through the rest of Spain from that distant part of the peninsula; the French returned in triumph to Madrid, and boasted they had 'driven us into the sea,' it was certain we were no longer on the land, and under such circumstances it is not surprising that a nation, which like Spain, must feel conscious that it is in the daily habit of assuming victory to itself on the lightest grounds, should have declined to have given to us all the credit which we really deserved. Some gentlemen, I see, are of opinion that is no great matter what the Spaniards thought about us, but are we equally indifferent to the opinions of the French? Let us not too hastily conclude that they did full justice to our merits. We are told, indeed, that at Maida and in Egypt we had set that point at rest. Of the first, I shall only say, that it is within the last month that it has been, for the first time, mentioned in any newspaper of France, and that I believe nine tenths of the French soldiers have never heard either of the battle, or of the existence of such a place; and as to Egypt, surely every gentleman who has conversed in France upon that subject, must have found that their opinion is universally that which general Regnier in his most able, but untrue representation, of those events has laboured to impress, namely, that the treachery of Menou, and the detestation in which the army held the service in Egypt, and their anxiety to return to France, were the real causes of their expulsion; and that an overwhelming force of ninety thousand men, of English, Turks, and Indians, which he says, and which they believe, we brought against them, furnished a decent excuse for their surrender. Let us remember too, that it was after these proofs of British military excellence, that Buonaparté, on the heights of Boulogne, parcelled out in promise to his soldiers the estates of the 'nation boutiquiere'; let us remember also our own opinions in those days, how general enengagements were to be avoided; how a system of bush fighting was to be adopted in Kent; and our hopes that England might be saved after London might be lost, or what inundations we should make to protect it. Such language was then termed 'caution,' but on the proud eminence on which we are now placed, we may afford to acknowledge there was in it some mixture of distrust in the good old bayonet of Britain. Where are the promises of Buonaparté now? The very ridicule of such assertions; ridicule, perhaps the only restraint of such a despot, would render it impossible for him to repeat them. Sir, it is these guilty ministers who have taught to him, and what I think of much more consequence, have taught to England, another stile of conversation. They have fairly tried that point, so carefully avoided by their predecessors, and have brought our armies to a meeting with the finest armies of France; and after lamenting the heroes that have fallen, may we not reflect that the heroes who survive, by the mere consciousness of their own excellence, form a more efficient strength than while their numbers were entire? This sentiment will be communicated to their comrades who shall join them in arms, and justifies me, I think, in concluding, that the present ministers have added more to our strength, as well as to our glory, by fighting in Spain, than their predecessors by abstaining from it in Poland.—Such is the view which I take of what is past: With respect to the second point, whether the time is indeed come, when our further assistance can only be destruction to ourselves, without being serviceable to our allies? I cannot but express a more hesitating opinion; but this, I say, a very little time must shew us that; and if there are indeed good grounds of hope, any premature expression of our despondency will certainly extinguish them. The Junta is at length fortunately demolished. The French are again dispersed over every part of the peninsula, the people are still every where in arms, and peculiarly unsubdued in those provinces, the largest in possession of the French. Let us not damp that spirit which may still effect much, and which must effect something, which must at least give long employment to the forces of our enemy. —On this subject of thus employing our enemy, I confess I agree with the hon. gent. who has last spoken, that, if indeed it depended solely upon us, whether our allies should continue that sacrifice of blood, which they have so profusely shed, I should not think us justifiable in purchasing our quiet at such a price; but convinced as I am on the contrary, that whether we stand by them, or whether we forsake them, those gallant nations will still continue to bleed at every pore. I say that under such circumstances, our assistance assumes a new character, and that independent of the advantages to be derived to ourselves; independent of, I believe, 200,000 Frenchmen already fallen; independent of not less than 300,000 more required even to preserve existence in the peninsula; independent of Brazil and South America, for ever severed from our enemies; and independent of the fleets of the peninsula, I trust rescued from their grasp; independent of these gains to ourselves, there is another feeling binding upon a nation, as well as upon an individual, not to forsake our friend because he is in his greatest danger.—Still, however, I acknowledge a limit there must be, beyond which we cannot go, and whenever we can agree in declaring that

Funditus occidimus neque habet Fortuna regressum,

then, indeed, the first laws of self-preservation will call on us to discontinue the contest. But surely Great Britain will not utter such a sentiment until her allies shall be disposed to join in it. They do not despair, and I will never despair of them so long as they do not despair of themselves, so long as I should leave it in their power to say to us at a future day, "whence these chains? If you had stood firm a little longer, if you had not so soon fainted, we should not at this day be in the power of our enemies."

General *Ferguson* rose to make a few observations upon the subject under discussion. Much had been said by the right hon. gent. who brought forward the Resolution, of the importance of taking 30,000 Portuguese troops into British pay. As he had been in that country, he thought it his duty to tell the House what he had reason to believe on the subject. In the first place, then, he did not think there were 30,000 soldiers in Portugal: those that were there, had, certainly, by the exertions and skill of general Beresford, and other British officers, attained an appearance of discipline; but he feared that an army adequate to the task of now defending Portugal, must be able to make a stand in the first instance, and if obliged to retreat, must still, as opportunity offered, return to the charge, and thus make resistance after resistance. He was decidedly of opinion, from what he had seen and heard of them, that on the very first defeat, the little discipline of the Portuguese army would vanish, and a dispersion would be the consequence.

Mr. *Fitzgerald* said, that with respect to the character of the Portuguese nation, he agreed with the gallant general who had just sat down. If they were insensible to loyalty, religion, and the love of country, when that country was first invaded by the enemy, he would have no opinion of them even under British officers. This very circumstance must shew them that they had not a man in their own country who could lead an army. He begged to ask the right hon. gent. where he meant to remove the Portuguese troops in case of ill success. He should be glad to know, whether he meant to bring them here, or to send them to Ireland. Was it wished to send Roman Catholic soldiers there? If so, it was only in the extremes of bigotry that ministers could find security? He would ask ministers whether they had employed transports to carry away our cavalry from thence? In this service our money would be better employed. If we sent an army to Portugal, it must be able to take the field independently, and without occasion for assistance. When he saw ministers going to commit extravagancies like the present, he thought that that House should interfere to prevent the effects of such insanity. As to any benefit to be derived from these levies against the common enemy, he fully concurred in opinion with the gallant officer who had just sat down. He had, indeed, never heard of any achievement performed by the Portuguese, with the exception of that in which 2,000 men, headed by the bishop of Oporto, entered Oporto and took 24 Frenchmen prisoners. The idea of retaining Portugal, therefore, appeared to him to be quite chimerical; while our keeping up a force there would be attended with enormous expence. Indeed, he had lately seen a military memoir, presented to Louis XIV. at the time of the contest for the Spanish succession, from which it appeared, that our maintaining a force in Portugal, without advancing into Spain, was the very course of policy which it was considered for the interest of the French that our government should pursue; and it would not be denied that there was a considerable analogy between the conduct of that war and of the present.

Mr. *C. Beresford* thought he should not do his duty, if he silently passed by a disparagement of the bravery and exertion of a nation, which, if we did not assist, must be reduced to the necessity of having its troops disbanded. The hon. gent. then mentioned the connection which the emperor of France was about to form, and which he thought could not fail to affect the politics of Europe: and this surely was not a time for us to abandon a faithful ally. He should therefore vote for the motion.

Lord *Milton* had approved of our original interposition in the cause of Spain; but he disapproved of the conduct of the war, and particularly of the system now proposed, which would convert us into principals, instead of acting merely as auxiliaries. In fact, if this system were acted upon, the Portuguese must rasher consider us as fighting for ourselves than for them, and what degree of efficient zeal were they likely to feel in such a contest? But, with what prospects of success could we in the present situation of affairs upon the peninsula, any longer persevere in such a contest? With the French under the walls of Cadiz, and with all the circumstances of the peninsula in view, how could any reasonable man be reconciled to vote a million of the public money for the purpose referred to in the motion? But if success were even practicable, was it wise to vote such a grant for such a purpose? It had often been the practice of this country to subsidize foreign troops; but, he believed, that it never before entered the head of any English statesman, to grant subsidies to a Portuguese force, to those, in fact, among whom the materials for an army could not be found.

Mr. *Tierney* spoke against the motion, and proposed an amendment, That the chairman should leave the chair, report progress, and ask leave to sit again.

Lord *Desart* vindicated the character of the Portuguese people, among whom, he contended, there had been many noble displays of genuine patriotism and military spirit. In proof of this, he could refer to many officers who had had opportunities of observation, and particularly to sir Robert Wilson, for whose conduct at the head of the Portuguese troops, it would be recollected that there was before the House a notice of motion for a vote of thanks.

Mr. *Bankes* approved of the amendment; and if it had not been put, he should not have hesitated to give a direct negative to the original motion. He lamented the state of difficulty and embarrassment in which the House was placed by this motion—but that state was owing to the conduct of ministers. It must be in the remembrance of many gentlemen who heard him, that this project of a Portuguese levy was first formed in November, 1808; yet not a word about it was mentioned in the subsequent sessions, nor until very lately, when the project was, it appeared, but very imperfectly carried into execution. In fact, the House was called upon for a vote to provide for 30,000 men, before any of that body appeared to have been raised. But he could never persuade himself to assent to such a motion; and, among many other reasons, for these two, which were obvious; first, that we had not a million of money to spare; and secondly, that if we even had, this was not the way in which we ought to dispose of it. For any efficient purpose of war, he really believed that 3,000 British soldiers would be of more use than 30,000 Portuguese, and why, then, should the country be burthened for the support of such a force? He very much doubted whether our conduct towards both the Spaniards and Portuguese, was not calculated to induce an opinion among those people that every thing was to be done for them and nothing by them. It would probably have been better if not a single British regiment had been sent to the peninsula, and that means had been taken to excite these people to struggle for themselves, than to take so much of the struggle into our own hands. Too much money, perhaps, had been furnished to them. They ought to have been urged to look to their own exertions, and if an adequate spirit had existed, they would have found gold themselves, or created a substitute for it, as was the case in the popular struggles of America and France. Throughout the whole of the contest he thought that the people of Spain and Portugal had been encouraged too much to look to this country, and too little to themselves. This was a mischief which, as far as was practicable, ought to be remedied. But for this purpose the present motion was ill calculated, because it proposed that we should become principals in the war, and take the Portuguese people into our pay. Where, however, he would ask gentlemen, were the means to be found of advancing this payment? He begged it to be considered that only 125,000*l.* in gold and silver could by any means be procured to pay our troops in the Expedition to Walcheren; and it should be borne in mind, that money must be sent to Portugal; for that alone, particularly in the event of invasion, could serve for the payment of our military force. Paper would not answer. In the present scarcity of bullion then, he requested the particular consideration of the committee to this point. The enemy were now, perhaps, in the possession of Cadiz, which in fact escaped immediate capture only through an accident. All the calculations of ministers had been disappointed. All their predictions were falsified; even that of which

which they held out an assurance so late as the 23rd of January last, was dissipated. The Cortes, which were to be immediately assembled, had not even a town in Spain to meet in. The Expedition to Walcheren had failed—totally failed, and was there an individual in that House who would not wish that that Expedition had never taken place? In fact, nothing that ministers promised was fulfilled—nothing they speculated upon was successful; and was it then possible, that the committee, with such ample and recent experience, could consent to invest ministers with the means of engaging in any farther hopeless speculations?—That which we had learnt from past experience, we should now adopt prospectively for our future policy. It appeared to him quite romantic to expect, that a British army of 20 or 25,000 men, even with whatever co-operation Portugal could give, would be able to maintain a war on the Spanish peninsula as principals against France. He should therefore recommend to the committee and to his majesty's ministers, to husband the resources of the country for our own defence, and looking upon that as the soundest line of policy, he felt himself bound to oppose the motion.

Mr. *Jacob* denied that France had any complete occupation of Spain, either civil or military. If he were to look over the map of Spain, and begin from the northern province of Catalonia, he would there find the French by no means masters of the province; and he would be at a loss to say whether there were at this moment more Spanish towns besieged by the French, or towns occupied by French troops besieged by the Spaniards. The communications were so completely cut off, that the French could not send a letter from Barcelona to Gerona, without an escort of at least 500 cavalry to protect it. In the next province of Valencia there was not a French soldier, but the Spaniards had at least 50,000 men, armed with different weapons. The French had obtained but little footing in Murcia and Grenada; and, generally speaking, those towns only were surrendered to them, which were under the influence of the nobility and gentry of large estates; but the mass of the people were patriotic, and the villages were still defended against them, after the towns had been betrayed. He believed that among the nobility and gentry, where there were two brothers, the man of great possessions was always for submitting to the enemy; while the other joined the patriotic standard. Not only the villages but the mountains were still obstinately defended, so that the communications of the French were never secure. We had been accustomed to consider civil wars as the most horrible of all kinds of hostilities, but he believed that there never was a civil war so horrible as that which was now raging in Spain. He believed the massacres, the pillage, and the violence offered to women were unparalleled. He had lately been witness to dreadful atrocities of this description committed by the French in that country. The town of Puerto Ruel surrendered on certain terms, and Victor, upon entering it, published a proclamation, promising the most perfect security to all the inhabitants. Nevertheless, he had hardly taken possession of it, before he ordered the men (who were most of them artificers at the docks of Cadiz) to be imprisoned, and the females were marched down to St. Mary's, to be violated by his army. No one could wish so dreadful a state of things to continue; but still the patriots of Spain preferred this horrid state to absolute submission. Every part of the country was inspired with the utmost hatred of their oppressors, and Gallicia and some other provinces had, by their own exertions, driven the French out of their country. Spain was still far from being conquered by France, and Buonaparté could have derived far greater advantages from that country by governing it as formerly by his influence. He could not separate the cause of Spain from that of Portugal, and thought the best way we could act for its defence would be to make use of the co-operation of the Portuguese. He hoped sincerely that there was no ground for despair; but even if Spain was to be lost, it was probable that the fleet would be saved. Whenever the period for despair should arrive, he trusted that proper measures would be taken to meet it. It would then remain for the wisdom and policy of whoever should then be the ministers of this country, still to protect the distant but valuable portion of the Spanish empire in America, and prevent those rich colonies from falling into the hands of France.

Captain *Parker* spoke in faovur of the resolution. It had been said that the cause was hopeless. He denied it—it could not be hopeless, for while there was life there was hope. He asked, if it became a generous power like England to abandon a friend in the moment of distress? Gentlemen had argued, that our assistance could do no good, but would not our refusal of that assistance do considerable harm? The Portuguese troops had been greatly abused, as men unwilling or incapable of defending themselves. Put them under sound British officers, and he would warrant they could be made something of. Let such men as the victorious lord Wellington, or the gallant marshal Beresford, have but the leading of them, and he would pledge his existence that under such men they would never run away. The grant of itself was wise, but at such a critical period it was indispensible, and he should therefore vote in support of it.

Mr. *Whitbread* spoke in complimentary terms of the characteristic fervour and spirit so becoming his youth, and his profession, that breathed throughout the speech of the gallant officer who last sat down. He could have wished, however, to have seen that spirit more profitably exercised. An allusion had been made to sir Sidney Smith, the ornament to his profession and the glory of his country. He certainly was willing to do justice to the services of that distinguished officer at Acre; and he believed had it not been for the check the conqueror of the world then and there met with, that, bad as the present condition of Europe was, it would have been materially worse; but Buonaparté, it seemed, knew, to use the language of an hon. gent. (Mr. Jacob), the period of despair, and proposed to meet it. We should profit by the lessen—*fas est ab hoste doceri*—let us know when every further effort will be a fruitless waste of blood and treasure, and cease to continue to make them. That hon. gent. had entered into a detail of shocking atrocities, alledged by him to be committed by the French in Spain. Was he an eye witness to them? And if he was not, or if he were, why were they detailed to the committee, unless to inflame them upon a question where their judgment only should decide. Abuses, no doubt, must have prevailed; but were gentlemen aware of none committed under circumstances of less provocation, where the clergy received the mandates of power, to ascend their pulpits, and issue from them falsehoods not more rank than they were notorious! But if there was this spirit in Spain that had been contended for, where were its effects? Were they visible in suffering the French troops to pass over the face of their country like light through an unresisting medium? Where they manifested in the defence of the Sierra Morena—a pass that 500 resolute men might have defended against an army? They had been, indeed, gravely told, that the post could not pass unmolested. No doubt this was a most serious calamity, and a conclusive proof of the energy of the popular spirit! only unfortunately they had the same proof in another way in a neighbouring country. At the time of the troubles in Ireland the post was conveyed throughout that country under constant military escort. But what, in the name of common sense, was the object in keeping up these troops in Portugal? Was Portugal chosen as the arena in which they were to fight over again the battles for the liberties of Europe? Or what they had been refused under better auspices were they to hope to gain under those that were less favourable?—The right hon. the Chancellor of the Exchequer had talked of the benefit of an Austrian war, but he seemed to forget that the situation of Europe was changed—that the new idea of marriages and fetes drew the connection between France and Austria closer and made it firmer: that what Austria lost by the war she was likely to gain by this marriage, an event so fortunate for her broken down condition, that it might well be said, as it had in a former instance of the Austrian reigning family,

"Et quæ, Mars negat aliis, eadem dat tibi Venus."

But with respect to this transaction relative to the Portuguese troops, the House had not been treated fairly. He must condemn the practice of advancing money for such a purpose without the consent of parliament, and it appeared that on the 28th of February bills were drawn for the money which was not voted till the 8th of May following. Why had not the House been informed of those bills, which were at that time drawn, by the foreign secretary? They had heard a good deal of English valour, and how far it might be relied on in restoring the cause of Spain. He, too, thought highly of English valour, but he thought as highly of English patience; but patient as the people of this country were, that patience, like every thing human, had its limits. The vigour of the vigorous administration, might wear it out at last. But, if they were to vote this million of money, he wished to know where it was to be had?

—Here the hon. gent. adverted to the evidence of Mr. Huskisson before the Scheldt Committee; the substance of Mr. Huskisson's answers going to shew, that if an army of 40,000 men had been, in July last, landed in the north of Europe, it would have required 500,000*l.* to set them in motion for a given time, and 300,000*l.* to subsist them for that time—one month; and, that this country could not at that time have contributed that extraordinary supply of 800,000*l.* Did not a statement of this nature require examination? Did not the question, after such a statement, call for further consideration? It was for this further delay he now contended. Spain had not done its duty—no matter from what cause—the people, had, however, some excuse—they had been under the selfish sway of an aristocracy, that only wanted to use them as an instrument to effect their own narrow purposes; their implicit confidence had been abused by the blind bigotry of an intolerant priesthood—a priesthood, that whatever it preached, practised not the gospel it ought not alone to preach but practice; they had had the sword in their hands as often as the crosier—and that they had had, he feared, in their hearts any thing but the meekness, humility, charity, and peace that their blessed master had inculcated by his pure precepts, enforced by the example of his apostle's life, and sealed by the last sufferings of his all atoning death! While he (Mr. W.) valued those precepts and that example, he never could take pleasure in setting man against his fellow-man in a hopeless struggle. He thought the present cause hopeless, and as such, he never would consent to its being uselessly and cruelly protracted.

Mr. *Huskisson* did not conceive that to watch the struggle of the Spanish and Portuguese nations, and if triumphant alone, to plant our banners with theirs, would be either a wise or an honourable policy. Certainly, Portugal was not the place that we should purposely select for the arena on which to fight the last battles of Europe, but this was not the question. The question was, whether we were to withhold from his Majesty's ministers the means by which the contest might be rendered more likely to be successful in its termination. The vote of this million did not impose on ministers the necessity of expending it in Spain or Portugal; it gave them merely the power of doing so, and on them would rest the responsibility of a due exercise of discretion on the subject. Adverting to the observations made by the hon. gent. on his evidence in the Committee, he observed, that the calculations into which he then entered were founded on the supposition, that our expenditure in Spain and Portugal would be upon the scale on which it now was. It was unfair to infer from his evidence that he did not believe sufficient specie for this purpose could under any circumstances be obtained. He was satisfied, that if a proper time were allowed, and a good price given, specie would rapidly flow into the country.

Mr. *Bathurst* not only deprecated any further delay, but thought that ministers ought sooner to have called for the decision of parliament upon it. Whatever might be the blame due to the conduct of the campaign in the peninsula, it was enough for him to know that an alliance with Portugal had been concluded, and that Portugal, in virtue of that alliance, demanded our assistance. He conceived that it would be highly dishonourable for this country to desert a cause which he could not characterise as absolutely hopeless, and he expressed his conviction that the Portuguese troops, when disciplined and commanded by British officers, would form a very efficient army.

The question being now loudly called for, a division took place—For the postponement 142; Against it 204; Majority 62. The original motion was then carried without a division.

HOUSE OF LORDS.

Monday, March 12.

[SLAVE TRADE.] Lord *Holland* rose, pursuant to notice, to recall the attention of their lordships to the address adopted by that House, and the decision they had come to, in 1806, respecting the abolition of the Slave Trade. In that address his Majesty was requested to instruct the secretary of state for foreign affairs to take the most effectual measures, in conjunction with other foreign states, for the general abolition of that inhuman and odious trade. A period of more than three years had since elapsed, but scarcely any thing had during that time been heard of what progress had been made or was making towards the accomplishment of that desirable end. This was a subject which should not be allowed to sleep. Sweden, at the time that address was moved and assented to, had but narrow means of carrying on that trade. The extent of that traffic, carried on by the subjects of Sweden, had since, however, considerably increased. With Spain and Portugal, our influence at the present moment should naturally be great, and therefore it should be taken advantage of to accelerate the attainment of an object which we solemnly professed to have so much at heart. More however, could be done to that effect with the united states of America, than with any other power, and he trusted the opportunity afforded so fortunately by the present negociations for touching on that subject would not be neglected. It should be made the reciprocal object and mutual interest of those two governments. We should declare to America that we would put in force all the penalties enacted against that trade, and that we would confiscate every ship discovered to be employed in it. America should be invited to adopt, and act upon, the same regulation, and in the execution of it, the two governments should lend each other their mutual support. For if, as he trusted, the Slave Trade had been proved to be contrary to justice and humanity, then it must also be contrary to the law of nations. And surely there never was a moment when the law of nations ought more vigilantly to be attended to, and more strictly be observed, than the present. It was upon the violation or the observance of that law, that every thing seemed now to turn. What would be thought of this country—in what light would the decision of the British legislature be considered, if, after having adopted measures so serious and come to a decision so solemn, for the abolition of the Slave Trade, we should afterwards seem to forget that we had ever entered into the merits of this question, or adopted such grave resolutions? The object of his present motion was to prevent such a supposition, and to ascertain what steps had been taken by his Majesty's government for carrying the object of the address of that House into execution. His lordship concluded with moving an humble address to his Majesty, praying "That there be laid before that House copies or extracts of several representations, and the answers thereto, which had been made to the ministers of different foreign states respecting the abolition of the Slave Trade."

The Earl of *Liverpool* was ready to confess that the address presented to his Majesty on this subject was very forcible and solemn, and that undoubtedly it ought most seriously to be attended to; he should therefore offer no objection to the address moved by the noble lord.

The motion was therefore agreed to.

[FOREIGN EXPEDITIONS.] The Earl of *Darnley* rose to make his promised motion, respecting the sending on foreign service so large a portion of the regular force of the kingdom. His lordship began by taking a retrospective view of the measures of the present administration, or rather of the conduct of the men who have been in power in this country since the fatal battle of Austerlitz. With that decisive action ended, in his opinion, all hopes of the restoration of the independence of Europe. Yet by a blind fatality, the government of this country continued to embark in wild enterprises for the accomplishment of an object which had so long become hopeless. Accordingly, they failed in all their expeditions; or if they succeeded in one (the expedition against Copenhagen), the success was overbalanced by the disgrace of the achievement. It might be said of the tenor and character of their expeditions that they were "Monstrum nulla virtute redemptum a "vitiis!" They crowned all these heroic expeditions by the last, that to Walcheren, of which he should now take but little notice, trusting that the conduct of those who framed and executed that expedition would be brought before their lordships in a more solemn and regular manner. He could not, however, but observe, that of the whole of the military force employed in that expedition, not one half remained fit for service. This would appear from the late returns. Yet it was, after the fruitless sacrifice of so many brave men, after the wild and unavailing profusion of so much blood and treasure, that ministers were now preparing to drain the country of the small regular force that yet remained for its defence.—He was sorry our gallant army had not a more able advocate than he could pretend to be; but seeing the conduct of ministers in the light in which he did, he could not but conjure that House to interpose, and rescue the remains of our brave army from the sacrifice to which the folly and infatuation of ministers were pressing to doom them. The report of their intention to send on foreign service all the remaining regular British troops in the kingdom, was too general not to have some foundation.

How far it was founded in fact he wished to be explained. He wished moreover to ascertain what were our remaining resources for the internal defence of the country? It might be objected to his motion that it would be conveying improper information to the enemy. He did not believe it would afford the enemy more information than he was already in possession of. He believed indeed the enemy knew full as much as ministers of the internal situation of the country, and that perhaps would not be knowing much. For after the gross and shameful ignorance of which they had been convicted in the framing of their expeditions, it was not easy to imagine they could be in possession of any correct information. The country should not be kept in the dark, when its most vital interests were at stake. He should therefore move an humble address to his Majesty, praying "That he would be graciously pleased to give directions that there be laid before that House a return of the amount of the regular military force now in these kingdoms."

Lord *Mountjoy* expressed his surprise at the wide range which the speech of the noble lord had taken. He would not agree with the noble lord that the lives of our soldiers had in any of the expeditions alluded to, been sacrificed in vain. Had they not afforded the opportunity of proving to the world our characteristic superiority, and of reviving the glory of the intrepid valour, the ardent spirit, and the steady discipline of British troops? Was not that in itself a most brilliant and important result? Neither could he agree with the noble lord that our loss had been so great in the Scheldt Expedition as had been represented, or that the country would be left so bare of men as the noble lord seemed to insinuate.—According to the Medical Report on their lordship's table most of the men who had returned sick from Walcheren, would be able to resume actual service by the months of May and June. They would consequently be in a condition to supply the place of those troops which it might now be the intention of government to send abroad. There were objects of high interest at stake—undoubtedly no opportunity should be omitted of assisting and encouraging the Spaniards and Portuguese, whenever they made a stand and seemed resolved to resist the common enemy. If the troops were destined for the defence of Cadiz, where could it be more desirable to employ them than in the last hold of Spanish independence, than in a spot where the loyal Spaniards may have deposited their remaining treasure, and from which, in case of an unavailing defence, we may aid them in rescuing it from the gripe of a rapacious enemy? He saw no possible danger that could arise from sending this force abroad, while it would be acting in conformity with the pledge we had given to Spain, and in unison with the spirit which first prompted this country to espouse the cause of the Spanish patriots. In that view he would give his vote against the motion of the noble lord.

The Marquis of *Downshire* supported the motion of his noble friend in a maiden speech. He particularly objected to drawing more men from Ireland. He believed that at the present moment there was not in that part of the empire more than three or four thousand regular troops. Was that a sufficient force to secure it against any sudden incursion that might be made into that country? Those among their lordships, who like himself were interested in the fate of Ireland, should seriously attend to that circumstance. Why were not the German troops employed on foreign expeditions; was it that they could not be trusted: and that more reliance was placed in the steadiness and fidelity of the British troops? Whatever was the reason, it was galling to the feelings of the country to see their brave countrymen taken from the defence of their native soil, perhaps to be uselessly sacrificed in the support of a foreign cause. He must again entreat their lordships to look to the state of Ireland, and they would then see the impolicy of sending more troops abroad.—On the question being put,

The Earl of *Darnley* rose, and said, he had trusted that his Majesty's ministers, now in their places, would have returned some answer to the arguments he advanced in support of the motion he had made. There might be unanswerable objections to it, but it became the noble lords to have stated these objections as the ground of their opposition.

The Earl of *Harrowby* had only to observe, that the noble lord seemed himself to anticipate unanswerable objections to his motion; and he would leave it to their lordships' consideration, how far it was proper to propose such a motion, under an impression of that nature. The noble earl had also taken the opportunity of entering into a long accusation of the conduct of government, at a time not the most decorous for indulging in such general censure. Without further entering into any of those subjects discussed by that noble lord, he trusted the House would see the impropriety of acceding to the present motion.—The motion was negatived without a division.

[Roman Catholic Petitions.] The Earl of *Donoughmore* presented two petitions, one from the general body of the Catholics of Ireland, and the other from the Catholics of the county and of the city of Cork. His lordship dwelt with much force on the degrading disabilities under which the Catholics were suffering, who although they had essentially promoted the agricultural, the commercial and the manufacturing interests of the empire; who although they had served their country both in the army and navy with valour, fidelity, and zeal, were excluded from all the upper ranks in the administration of justice, and in the army and navy—the Catholic peers denied admittance into that House—and the constituent body not admitted by their representatives into the other House of Parliament. He regretted that difficulties had arisen in the way of the desired arrangement, but he trusted that these difficulties would soon vanish, and that a long time would not elapse before the rights of the Catholics were conceded to them. He intended on a future day to submit a motion upon the subject to their lordships.

The Petitions were ordered to lie on the table.

[East India Company.] The Earl of *Lauderdale*, as the necessary information was not before the House, declined going into those details into which he should otherwise have entered. The appointment of a committee to inquire into the situation of the East India Company was, however, peculiarly called for at the present moment. A considerable sum had been advanced to the company without any information as to the necessity for it, the service to which it was to be applied, or the means by which it was to be repaid. It was also rumoured that an application for another loan was to be made during the present session, and that it was to be proposed to extend the period of the Company's charter. Under these circumstances he thought it peculiarly necessary, that every information respecting the affairs of the company that could be procured, should be obtained, and with this view his lordship moved for the appointman of a Select Committee to inquire into the state of the affairs of the East India Company, and to report thereon.—Ordered.

HOUSE OF COMMONS.

Monday, March 12.

[Breach of Privilege—Mr. John Gale Jones.] Sir *F. Burdett* rose, pursuant to the notice he had given, to call the attention of the House to a measure which had been adopted by them, involving materially the rights and the liberty of the subject [see vol 15, p. 502.] he meant the Resolution of the House, by which John Gale Jones was committed to Newgate for a breach of the privileges of the House. He lamented exceedingly, that in consequence of indisposition he had not been present at the time that resolution was past, because he was aware, that he stood in a worse situation to persuade the House to recal an act after a decision upon it, than he should have done to prevent its commission before it was adopted. He knew it was at all times much easier to prevent the adoption of a measure, than to induce the House to retract a resolution after they had come to it. When he considered, however, the vast importance of the question, and how highly the public interest was involved in it, he was satisfied he would not discharge his duty, did he not still endeavour to induce the House to retract a step, which, according to his view of the case, they were not authorised to take.

With regard to the privileges of that House, he knew there were persons who carried their fanciful notions of them to a very extraordinary length. But if they were possessed of privileges, such as that which the House had exercised, they must be such as could only be discovered by men of much more lively imaginations, and of minds far more acute, than he could lay claim to. He professed only a plain mind and understanding; and when he wished to ascertain what were the privileges of that House, he could only go, where he felt inclined, in the present instance, to go, to the law of the land and the principles of the constitution, to ascertain, whether such privileges did, or did not, exist. If he, at any time, found what was claimed as a privilege to be above the law of the land, he must feel himself reduced to the necessity of saying, that no such privilege could legally or constitutionally exist. The law of the land he must always consider to be the standard by which the privileges of every individual, and of every body of individuals in this country, were to be measured. But it would be necessary, for the purpose of ascertaining, whether the right of imprisoning individuals, not members of that House, was one of their privileges, to look to the origin of those privileges; this circumstance being always kept in view, that the House of Commons was not the Parliament of the country, but only one of the branches of that Parliament; that, in fact, as it appeared to his mind, the House of Commons was, though a constituent member, yet the inferior branch of the legislature. (Order! order!)

The *Speaker* here interposed, and felt himself in duty bound to inform the hon. baronet, that it was not orderly to designate that House as the inferior branch of the legislature.

Sir *F. Burdett* continued. This, at least, he might be allowed to say, that that House, and Parliament were different; and he contended, that there must consequently be a difference in the extent of the privileges which they might, separately, or jointly with the other House of Parliament, be supposed to possess. On this ground, he maintained, that the imprisonment of John Gale Jones was an infringement of the law of the land, and a subversion of the principles of the constitution. He hoped that gentlemen would throw altogether out of their minds that this was a question regarding their own privileges, and that they would come with calmness and dispassionate feeling to decide on their own case. If they were to take the consideration of the question only as connected with the law of the land, he should undertake to persuade them, and he hoped successfully, that nothing could be more consistent either with the law of the land, or with common sense, than that they should retract the resolution they had come to. The question was, if the House of Commons had a right to imprison a person not a member of that House, for an offence punishable by the ordinary course of law, and by a vote for that purpose, deprive the people of their imprescriptable rights? As to those privileges which should be possessed, because necessary to enable the House to carry on its own proceedings uncontrouled and without interruption or impediment, that was a question which he was not called on to argue.

He begged to call the attention of gentlemen to this circumstance, that there were involved in this question the consideration of two distinct qualities, privilege and power. The one, privilege, the House possessed for its own protection; the other, power, was a right to be exercised over others. Privilege they were to exercise to prevent the Crown from molesting them in their proceedings. They were to use it as a shield for themselves, but they were not to allow it to change its character, to be converted into power, and to use it for the destruction of others. The real nature of this privilege was to be collected from the very earliest periods of our history. It was recorded in Spelman, so early as the time of Canute, that the persons of members, in their way to and from Parliament, should have protection. This was the first mention on record of privilege of Parliament. The law of king Canute was, " Omnis homo eundo ad Ge-" motum, vel redundo à Gemoto habeat " pacem." That every one going to, or coming from the Witenna gemotte, should have protection. This, therefore, was the ground work of all the privileges of that House. Nothing seemed to him so absurd as the notion of an undefined privilege; it was a solecism in language; and he had the highest authority for saying, that such a privilege was not known to the constitution.

The next notice of privileges of Parliament was to be found in two writs of supersedeas of Edward the second, to privilege members from being sued in any court, (sitting the Parliament) and which are still extant. But the extent of these privileges cannot be better set forth than in the following order of the House of Commons, of the 1st of June 1621, supposed to have been drawn up by sir Edward Coke, then a leading member of the House:

" Ordered, upon question, That if any " arrest, or any distress of goods, serving " any process, summoning his land, cita-" tion or summoning his person, arresting " his person, suing him in any court, or " breaking any other privilege of this " House, a letter shall issue, under Mr. " Speaker's hand, for the party's relief " therein, as if the Parliament was sitting; " and the party refusing to obey it, to be " censured at the next Access."

The privileges asserted and defined in this order, were all in the nature of defences for the members; had reference to nothing but their own proceedings; and could not apply to others, surely, at all events, not to sanction what was contrary to the law of the land. It may reasonably be concluded, that all the privileges the House of Commons then thought itself intitled to, were enumerated in the order of the 1st of June, 1621, as sir Edward Coke, so well acquainted with, and then contending for, them against the undue prerogative of the crown, claimed no more. Whenever these privileges, so modestly and reasonably claimed, and so necessarily complied with, were infringed, they were as modestly and reasonably maintained by an appeal to the tribunal of the laws; which was apparent by reference to all the cases of privilege which occurred up to the time of the civil war. As for instance: In 1427, one Richard Chedder, a menial servant, attending upon sir Thomas Broode, one of the knights for Somersetshire, who was assaulted, beaten, and cruelly maimed, was content to seek redress by law. In his case the House acted with such moderation as to order application to be made to the law of the land, and a new law, not an *ex post facto* one, was passed for punishing assaults against members or their attendants in future.

In 1430, William Larke, servant to William Mildred, one of the members for the city of London, was committed to the Fleet on an execution of debt, and delivered in due course of law. And in 1433, an act of Parliament was made, affixing a heavier penalty for the assaulting a member, than the law had previously inflicted. The act is entitled, "An act against assaults made upon lords or others coming to the Parliament." In 1456, Thorpe, the Speaker, was arrested at the suit of the duke of York, on which the Commons appealed to the whole Parliament, who referred the case to the Judges, whose opinion was in favour of Thorpe's being entitled to privilege: notwithstanding which, the Parliament decided otherways, and the Commons acquiesced and chose another Speaker. What was remarkable in this case was, that both the Judges and the Parliament appealed to the same maxim: both applied the same argument as conclusive, viz. "That the party aggrieved could have no redress, and that there could be no wrong without a remedy." The Judges determined from this maxim and from this reason, that no general writ of supersedeas could lye, "because" (say they,) "if it could, the high court of Parliament from which all justice and equity ought to flow, would seem to stop the course of justice, and leave the party aggrieved without remedy." And the Parliament yielded to this same reason, set forth by the duke of York, in the argument against Thorpe's being allowed privilege, viz. "That in case it was granted to Thorpe, in this instance, the party aggrieved could have no remedy." So that they had in this case, the opinion of the Judges and the decision of the Parliament, equally determined by that sound and characteristic maxim of British law and constitution, "That there can be no wrong without a remedy."

The hon. bart. then proceeded to quote a variety of other cases in illustration of what he contended to be the legal and constitutional limits of perogative, claimed and exercised by that House up to the period of the civil wars.—In all the cases he observed that members, when their privileges were violated, and their persons arrested, were content to appeal to the law, and had such tenderness and respect for other men's rights as well as their own privileges, as to make provision for the interest of creditors, when affected by their privileges, and to indemnify officers against actions for escape, to which they were legally liable for giving up their prisoners. Never did the members of the House of Commons presume to overleap the bounds of the constitution, and take the law into their own hands, till the days of the Long Parliament; when, from the peculiar circumstances of the country, in order to resist the arbitrary encroachments of a despotic prince, the House of Commons found it absolutely necessary in the struggle, not only to extend their privileges, but to assume powers, the exercise of which abolished the House of Lords, brought the King to the block, and ultimately dissolved the whole frame of the government. If these usurpations of power were not only acquiesced in, but strenuously supported by the people at that period, it was because they were supposed to be indispensably necessary to enable the House of Commons to stem the torrent of tyranny which was sweeping every thing before it to destruction; and as the only means of wresting from the grasp of despotism, the expiring liberties of the country.

But

But these, surely, were not sources sufficiently clear, nor times sufficiently analogous to justify our drawing thence instances, miscalled precedents, to countenance similar proceedings under a legal, settled, and established system of government. But as every day's experience would inform them how reluctantly all men relinquish power and authority, which they have once exercised, even after having experienced its mischiefs, so was the House of Commons, after the Restoration, unwilling to yield up its usurped power and authority, submitted to in times of trouble and commotion, but incompatible with the return of order and the laws.—Accordingly they would find in the cases of Dr. Carey, Mr. Fitten, sir Samuel Barnardiston, Shirley, and Stoughton *versus* Onslow the pretensions to power under the name of privilege still clung to by both Houses of Parliament, but as constantly denied by each House to the other in its turn; the one always denying the usurpation of the other, and the parties aggrieved the authority of both: consequently no power or authority of that description could be acknowledged or allowed to belong to either. But the following case, which occurred about the same time, and which having been argued at a conference between the two Houses was entitled to more particular notice, it was that of the four counsel in the appeal of sir Nicholas Crispe *versus* the lady Bowyer, Dalmohoy and others, who were taken into the custody of the Serjeant at Arms, for pleading before the Lords contrary to an order of the House of Commons to forbid them; at which conference, the lords asserted "That the House of Commons was no Court, had no authority to administer an oath, or to give a judgment; that it was a transcendant invasion of the liberty of the subject; that it was against Magna Charta, the Petition of Rights and many other laws, which had provided that no freeman shall be imprisoned or otherwise restrained of his liberty but by due process of law; that it tended to the subversion of the government of the kingdom, because it was in the nature of an injunction from the lower House, which had no authority or power of jurisdiction over inferior subjects, much less over the King and Lords. These arguments had been answered by the Commons only by retorting upon the assumed jurisdiction of the Lords, advancing empty assertions of its own authority.

Having thus briefly adverted to some of the less important cases, to which he found it necessary to call the attention of the House, he proposed next to submit to its consideration, the very remarkable case of Bridgeman *versus* Holt in 1696-7. The duchess of Grafton having claimed under a patent of Charles the second, a right to appoint the clerk to the King's-Bench, lord chief justice Holt contested the claim. The case was solemnly argued in a trial at bar, and was decided against the duchess in favour of lord chief justice Holt. Upon which, the counsel of Bridgeman, who had been nominated as clerk by the duchess, tendered a Bill of Exceptions, which the justices refused to seal. In consequence of which, a petition, complaining of the conduct of the judges, was presented to the House of Lords, accusing sir Wm. Dolben, sir Wm. Gregory, sir Giles Eyre, justices of the King's-Bench, of acting illegally in having so refused. They were in consequence of this charge, summoned by the House of Lords to appear before them, and answer to the complaint made in the petition. This the judges refused to do: and they, in a solemn, profound, and well digested argument, denied the jurisdiction of the House of Lords, insisted upon their undoubted right as Englishmen, to a trial by a jury of their equals, in case they in any thing were accused of having done wrong, and claimed the benefit of being tried according to the known course of the common law—they relied upon Magna Charta as freeborn Englishmen, which they said, was made for them as well as for others; that all powers and privileges in the kingdom, even the highest, are circumscribed by the laws, and have their limits. In the courts of Westminster (said they,) the law is determined by one, and the fact ascertained by another; here, both the law and the fact would be in the same hands. If the House of Lords should punish, could such order stop or bar the legal process hereafter? or be used below as a recovery or acquittal?—as an *autrefois convict?* or *autrefois acquit?* Would the proceedings in the House of Lords save them from the trouble of answering to an information or indictment for the same thing elsewhere? And here it was to be remarked, that when the judges of the land were attacked by an unwarrantable power, they sheltered themselves behind the broad shield of Magna Charta and the trial by Jury, well knowing the value of such a protection, and they concluded with these memorable words: "some persons have, perhaps from "a diffidence of success, or from a slavish "fear, or private policy, forborne to question the power of their superiors, but "the judges must betray their reputation "and their knowledge of the laws, if they "should own a jurisdiction which former "times and their predecessors were unacquainted with." Whereupon the petition was dismissed. If then these reasons were conclusive against the House of Lords, they applied much more forcibly to the House of Commons; for the House of Lords possessed the judicial power of parliament, being the supreme court of appeal in the dernier resort; whilst the House of Commons, having no judicial function to perform, was no court at all, and consequently could not possess the power exercised in the commitment of Mr. Jones.

Let the case of Mr. Jones now be measured by the arguments of the judges before cited: which arguments were held by the House of Lords as conclusive against its pretentions.—The judges claimed and insisted upon the benefit of the common law, Magna Charta, and trial by jury, for any thing in which they might have done wong; not because they were judges, but because they were commoners of England. They denied and rejected the jurisdiction of the Lords, and assigned their reasons: "Because, in that case, the "fact would be ascertained, and the law "would be determined, by the same party; "and that if they should be punished by "the Lords, that would not prevent their "being called to answer again in the "courts of Westminster-hall, where they "could not plead an *autrefois convict*, or "*autrefois acquit*: and so, they might be "punished twice for the same offence."

Let the House then apply this reasoning to the case before them. He had already shewn, that the common law, Magna Charta, and trial by jury had been violated. They found Mr. Jones imprisoned for an act, the illegality of which had not been proved—the facts not ascertained—nor the law determined. Yet was he then undergoing such a sentence as had been shewn. And, as to the other part of the argument of the judges: what was there to prevent Mr. Yorke from preferring a bill of Indictment, according to law, against Mr. Jones for this same act, as he understood had been done by a noble lord not then in his place (lord Castlereagh) for a similar act? And if they could suppose, that any twelve lawful men in England could be had to find a verdict of Guilty, then would he be punished twice for the same offence? He could not prove his former conviction, because he could not produce the record of his former sentence; because, the House of Commons is no court of record, therefore incapable, by law, to furnish a copy of the record; because the law did not allow that House to try and determine any cause. To determine was beyond its limits, as had been shewn: its incapacity was clearly proved by the legal circumscription of its powers.

But suppose that a jury could find no injury to have been sustained by Mr. Yorke, and should return a verdict of acquittal: then would Mr. Jones have been sentenced to undergo the most severe punishment short of death, that of indefinite imprisonment, by an order of the House of Commons, for having done an act not proved to be a crime; which on the contrary, would have been determined by a jury of his equals, not to have been an offence, as in the case of Reeves; with whom the minister dealt more tenderly by giving him, his creature, the benefit of the law; when a jury contradicted by their legal verdict the predetermined judgment of the House of Commons; but, if a jury were to do the same in the present case, Mr. Jones could have no remedy for the wrong done to him—he could not bring his action for false imprisonment against Mr. Yorke, nor against the House of Commons, nor the serjeant at arms, nor the sheriffs, nor the jailor: that is to say, if the courts of law should tell him, as they had told others heretofore, that they could not interfere with the House of Commons.

A great variety of cases could be adduced where the House had interposed, but not one in which it had gone to the extent it had proceeded to in the present instance. Many pamphlets had been published since the Revolution reflecting on that House, the authors of which had only been reprimanded or proceeded against by the Attorney-General.—But it was unnecessary to multiply cases, they must all be acquainted with the case of the Middlesex Journal in 1771 when the messenger of the House of Commons was sent by their order to arrest the printer; instead of which, the printer took up the messenger, and brought him before Crosby, lord mayor, and aldermen Wilkes and Oliver, who committed the serjeant. Not withstanding this outrage which the House of Commons sustained by the attack upon its officer, it presumed not to touch any of the offending parties, except its own members, the lord mayor and alderman Oliver; passing over the printer, the journalist, and alderman Wilkes, who, at that time, was not a member of the House—than which disaffirmance of its power a stronger proof cannot be conceived. It would also be recollected that when the libel in the North Briton, No. 45, and the gross publication, "the Essay on Woman" published under the name of a bishop (Warburton) of course a member of the Upper House, came under their cognizance, they merely addressed to have the delinquent prosecuted by the Attorney-General. In adducing further authority on the point, sir Francis said, that he felt it too like trifling with the understanding of the House to expend their time. It was a doctrine clearly laid down by lord Coke, that no man could be fined or confined, but in a court of record; no court but that in which forty shillings damages might be given could be a court of record; the argument came into the form of syllogism, and the necessary conclusion was, that the power of fine and imprisonment was not in that House. But no right to fine was assumed. Why then was the greater power retained, when the smaller one was admitted to be illegal? Why was the maxim of law and reason violated? "*Cui minus non convenit, cui majus non convenit.*"

The warrant of committal too, he must contend, was illegal in all its parts, but eminently so in its conclusion. A legal warrant must conclude with the words, "till the party be delivered by due course of law;" this warrant ends with the words "during the pleasure of the House." He (sir Francis) highly valued the rights of that House; but from whatever part of the constitution an exertion of arbitrary power came, it was his duty, it was the solemn and sacred duty of every Englishman, to avow himself hostile to it. There were, in a matter of this kind, two obvious questions to be considered with a view to justice. The first, "crime, or no crime?" The next was, if a crime, was the party accused guilty of it? The House, by such a proceeding as it had resorted to, involved the assumption of the judicial, executive, and legislative powers; but this was in the very teeth of law. In the due administration of the law, it was wisely provided that the same men shall not take two steps together; one set find the bill, another decide on the fact, another the law; but that House, which administers no oath, which squares itself by no form, which makes no previous examination of the fact, jumps at once upon its dangerous and most alarming conclusion, and finds the accused guilty.—And for what?—for their privilege. Then let gentlemen who said this was the privilege of the House, point out where it was so laid down. To his mind such a doctrine was untenable, and contrary to the law of the land, which declared that no man can be condemned without trial. Lord Coke laid it down explicitly that no man could be sent to prison without trial and judgment. The privilege talked of resembled the bye-laws of a corporation, sufficient to bind themselves, but which could not overturn the law of the land, as laid down by the father of it. This was to shew the House to be as great as King, Lords and Commons. It was besides an encroachment on the prerogative of the crown, whose privileges it was to see that no unlawful restraint was laid on the liberty of the subject. He might be told this was a privilege of parliament. He answered, No; it was only a privilege assumed by one branch of the legislature; and he contended that the House was not entitled to take that arbitrary rule to themselves. If gentlemen should shew resolutions favourable to the exercise of this right as a privilege of the House, he could be at no loss to shew others of a contrary principle. Sir F. Norton had said, that he would pay no more attention to a resolution of the House of Commons than to that of a set of drunken porters at an alehouse. The observation was coarse, but it was just. If gentlemen, therefore, were of opinion, that a resolution of that House was equal to that of all the branches of the constitution, they would agree in rejecting his proposition. But, if with him they thought that they could not overturn the law of the land and the acts of parliament solemnly passed, by any assumed power exercised by that House alone, they would agree with him that John Gale Jones must be discharged. The hon. bart. concluded by moving that John Gale Jones be discharged.

Mr. *C. W. Wynn* said, that he felt himself embarrassed as to the course proper to be pursued, in consequence of the manner in which this subject had been submitted to the consideration of the House. If a motion had been brought forward for the liberation of John Gale Jones, upon the grounds of his contrition for the offence which he had confessed at the bar, he should not have objected to it; but the proposal of that liberation was so interwoven by the hon. bart. with other topics, to which he could by no means subscribe, that he really was a loss how to proceed. He could never be persuaded to go the length of the hon. bart.'s doctrine, that the committal by the order of that House of any person who was not a member, was contrary to the principles of Magna Charta. This certainly was the first time when such a question was mooted in parliament, or any doubt professed as to the right of the House to commit any person guilty of treating it with contempt. But the hon. bart. contended that such a right had not the sanction of any ancient practice, and that no instance of its exercise could be found, previous to the existence of the long parliament. Here, however, the honourable baronet was under a mistake; for, so far back as the reign of Henry the 8th, there were two cases on record of the assertion of this right —the one arising out of the arrest of a member, and the other out of an assault. In the former, that of Ferrers, the House, without any appeal to the courts of law, interposed its own authority, and actually committed the sheriff, with all those concerned in the act of arrest; and in the latter case, that of Monington, the parties guilty of the assault were also committed to prison. Many other instances of commitments prior to the Long Parliament might be cited with which he would not now fatigue the House. With regard to libels, no instance of a committal upon such a charge, was, he admitted, to be met with prior to the reign of Elizabeth; but the fact was, that in the periods alluded to by the hon. bart., which immediately succeeded the invention of printing, there was no such thing as the liberty of the press, which now existed so happily for the country; as he believed to that valuable privilege our present preeminence above all other nations was in a great measure to be attributed. The right of printing, and the liberty of publication, was so completely under the restrictions of the Star Chamber, and so liable to be limited by the king's proclamation, that there was no probability of any libel appearing against that House. In fact, no such thing having occurred, no precedent could be cited of any committal for that description of offence. But the principle contended for by the hon. bart., was sufficiently negatived by the two precedents to which he had referred. That House, indeed, had been possessed of many other privileges, beside that under discussion, which it had itself thought proper to abandon;—for instance, the lands of a member were formerly secure against legal process, but in this case, that House acted as he trusted it always would—considerable inconvenience and injustice being found to arise out of such an arrangement, it was done away. But the principle upon which the existing privileges of that House rested, still remained untouched; indeed, the principle upon which the protection of members from arrest, lest by such arrest they should be prevented from attending their duty in that House, was clearly indisputable. And it appeared to him equally clear, that libels, or any other means of interfering with the due performance of a member's duty, should be equally provided against. The same reasons which justified a court of law, in punishing any contempt or interruption of its proceedings, pleaded in favour of the privilege exercised by that House in the case which gave rise to this discussion. Any offence to a court of law was deemed not only personal to the individual immediately presiding, but to the whole tribunal of justice, or according to the older language of the law, to the king's person, which was considered as perpetually present there. So in this case the libel was not treated so much as an offence to the member attacked, as to the whole House collectively, which therefore for the vindication of its dignity felt it expedient to punish the offender. A charge brought against any member, for a motion which he had made in the House, would naturally be considered a contempt of the House itself, which had entertained, and perhaps affirmed the motion. The individual who had been imprisoned, was justly considered out of the question by the hon. baronet. He wished indeed that he had waited till the discharge of Mr. Jones from prison, and then the question could be more delicately discussed. As it was at present, however, there was this inconsistency; the motion had nothing whatever to do with the speech, by which it had been prefaced. He wished even now that the worthy baronet would propose a declaratory resolution, on which to found his present motion; or, perhaps, indeed, then the motion now made need not follow, as the release of Jones must be the immediate consequence of the House agreeing in the resolution. He confessed that, even then, he for one would vote against the resolution, as tending to deprive the House of a privilege, which it had enjoyed for above 300 years—that of guarding its dignity against libels.

Lord *A. Hamilton* highly panegyrized the character of the worthy baronet, who brought forward this question, to no part of whose conduct in that House, or elsewhere, was it possible to attribute any personal or selfish motive. But while he bore full testimony to the hon. bart.'s rectitude, he could not concur in the opinion he had advanced, that that House did not possess a privilege, which he found to have been so long exercised, and to have been uniformly recognized by all the courts of law. The court of King's Bench was known to have interfered with a sacred privilege which materially interested that House, namely, the right of election; and to act in contradiction to the decision of a committee of that House, upon questions connected with such right; and was it to be supposed that the same court would hesitate to interfere with the exercise of the privilege under discussion, if such interference were conformable to law. Under these impressions, and from these considerations, he felt himself bound to vote against the worthy baronet's motion.

The *Attorney General* contended, that the two cases quoted by the hon. baronet since the Revolution, and particularly that with regard to Knollys, who claimed to be earl of Banbury, had no analogy to the question at issue, for in neither of these cases could any contempt of the authority of either House of parliament be fairly made out. Indeed, the words of chief justice Holt before the House of Lords fully justified this assertion in the case of Knollys; but if that House did not possess the right of committing any person for a contempt or breach of its privileges, the way was clear for trying the legality of its exercise, by moving for a habeas corpus on the part of any person so committed. The court of King's Bench, upon such a motion, would first be called upon to decide as to the right, and he should have no doubt as to its decision, because he had no doubt as to the right. That court must, in fact, feel that it was no more warranted to interfere with the right of that House to commit for contempt, than with the right of the court of Common Pleas, or of any other court. In fact, the question to which this discussion referred had been brought into a court of law, in the case of Crosby, the lord mayor of London, for obstructing a messenger of that House in the execution of its order. There, although the lord mayor was a member of the House, he was committed—not, however, as a member, but for the obstruction alluded to as a municipal officer, and on an application for a writ of habeas corpus the court of Common Pleas decided, that it could not interfere with the exercise of a right which belonged to that House. The hon. bart. had thought proper to quote the observations of sir F. Norton, comparing "the Resolutions of that House to the resolutions of a set of drunken porters at an alehouse," and likened its privileges to the bye-laws of a corporation. Now he wished to know where the hon. bart. could find an instance where any corporation possessed the right by a bye-law, to arrest one of its officers at a distance, as that House had done, with regard to the lord mayor in the instance alluded to. But, returning to the decision of the court of common pleas, the learned gentleman read an extract from the words of lord chief justice De Grey, upon pronouncing that decision, which included a quotation from Coke's Institutes, stating, that the right in question was legal, because it was necessary—that the privilege of that House to commit persons in certain cases, was a part of the law of the land—that in such cases, its adjudication was conviction, and its sentence execution—and that no court was entitled to interfere with the execution of another. As to the words of the warrant of committal "during the pleasure of the House" so particularly dwelt upon by the hon. bart., these words were also the subject of considerable discussion in the case of Crosby, but the result was, that they were found to have been those usual in all similar cases, and so had been decided to be correct. There were many other cases, which he could cite to shew the indisputable right of that and of the other House of parliament to commit for any contempt or breach of their privileges; But he thought it hardly necessary to mention any more, as the sentiment of the House appeared almost unanimous against the hon. bart.'s motion. He would not, therefore, trespass upon the attention of the House further than by alluding to the case of Flower, who was committed by the House of Lords for contempt. The opinions of lord Kenyon and Mr. justice Grose, delivered upon the application in that case for a writ of habeas corpus to the court of King's Bench appeared to him quite conclusive, as to the right of committal in cases of this nature.

Mr. *Creevey* declared his inability to concur in the sentiments of his hon. friend who originated this discussion; for in his opinion, the right of committal in such cases as had been referred to, justly and necessarily belonged to that House. Indeed, it was highly essential to the performance of its duty. He quoted the case of lord Strafford, when by gross misrepresentations and the most libellous publications, such a degree of outcry and odium was excited against the minority, (among whom was Selden), who opposed the infamous bill against that nobleman, in order to shew, that such a power was necessary to maintain the authority and independence of that House. Recollecting the treatment of that minority, and comparing it with the conduct for which they were so abused, he should always feel himself bound to resist those who should by libels or other means attempt to excite popular vengeance against any individual or any number of individuals for their conduct in that House. Therefore, although he felt disposed to vote for the liberation of John Gale Jones, he could not agree to the proposition as founded on the general doctrines laid down by his hon. friend.

Lord *Folkestone* vindicated the statement of his hon. friend from the disingenuous manner in which the learned gent. (the Attorney General) had applied some of the cases and authorities of which his hon. friend had in his very able Argument, happened to make use. It must be in the recollection of the House, that when his hon. friend alluded to the comparison between the resolutions of that House and of a set of drunken porters in an alehouse, he only quoted the words of a grave and well known authority. Therefore, his hon. friend had not been fairly interpreted by the learned gentleman. Indeed the interpretation had been equally unfair with regard to his hon. friend's allusion to the bye laws of a corporation as compared with the privileges of that House. But the eloquent and forcible address of his hon. friend was not to be easily answered, and therefore it was not fairly met by the hon. and learned gent. His hon. friend's position was simply this, that that House did not possess a legitimate right to commit in a case of this nature—[Here there was some cry of question! question!]—The noble lord observed, that it might perhaps not be pleasing to some gentlemen to enter into any argument upon this case; but he could not help thinking it rather ungracious in any gentleman to display that feeling, when it was considered that the discussion related to the imprisonment of an English subject for an indefinite period and for an undefined offence. Upon such a subject he thought it his duty, before he should make up his mind, carefully to examine the Journals. He had done so, and entirely concurred with his hon. friend (Mr. Creevey) in the expression of regret, that the motion was so framed that he could not support it to the whole extent. Indeed, he found no precedents for the exercise of this right of committal on the part of the House at a very early period; the practice was not of long duration; but so far from the fact being as stated by a learned gent. (Mr. Wynne), that there were no libellous publications punished by that House, previous to the Long Parliament, that he found the case of Hall, who was committed for a libel, 1580. This Hall, was, indeed, a member, and expelled the House, because he would not retract his book, and the book itself burned, by order of the House.

As to the power now claimed, the House appeared to have derived it from precedents in the time of the civil wars; but yet even then the instances of its being exercised were uncertain, and differing from each other in the various modes of offence, of proceedings thereon, and of punishments. They ought therefore to be very cautiously taken for precedents. The House ought also to recollect, that though at the time alluded to, their predecessors had assumed almost the whole executive power of the government: they however proceeded with more deliberation even then, than they did now, for they were wont to refer the consideration of the offences to a committee of privileges, and have a formal opinion thereon before they committed the person, and when they did commit any one, it was only to be proceeded against in due course of law. It should be recollected too, that at the close of the last century, it was decreed, that all alleged libels against that House should be referred to the examination of a committee of privileges, before any decision was pronounced upon them by the House. This solemn course was, however, of late years dispensed with, and the House determined for itself with a promptitude that was too liable to error, and too likely to be influenced by passion. The revival of the former, and the better course of proceeding, seemed therefore desirable. As to the reference of libels on the House to the attorney general for prosecution, he did not mean to question its propriety; but would maintain that the House was competent, by its own authority, to punish any contempt or interruption of its proceedings. He denied, however, that the publication of a libel was to be regarded as a contempt. For, if a libel and a contempt of court were held to be tantamount, how came Hart and White to be brought to trial, for a libel upon the court of King's Bench. If a libel were tantamount to a contempt of court, the court could unquestionably have committed these men at once, without a trial. The noble lord concluded, with expressing his disposition to vote for the liberation of Mr. Jones, although he could not go the whole length of his hon. friend's proposition.

The *Solicitor General* observed that the question was now reduced to a much smaller point than it was at first presented, since the supporters of the motion had explicitly abandoned the principle originally maintained, that the House had no right to commit any person but their own members, in any case whatever. This was the principle for which the hon. baronet had contended, and for the support of which, every argument used by him was directed. The noble lord, who spoke on his side, had, nevertheless, declared himself of a directly contrary opinion, and acknowledged that the exercise of the right was consonant with the law of parliament and the law of the land. The question then was, whether this was a case of contempt or not? That is to say, whether this person, convicted on his own confession by the unanimous vote of the House, of a gross breach of privilege, (which contained in itself a gross and scandalous contempt,) and punished for his offence in the way that appeared most fitting to the House, was guilty or not? As far as the present practice could be traced, it was found to be legal and constitutional, and he could therefore see no objection to its exercise. It was open to Jones to apply by the other mode, that of petition, and he (the Solicitor general) might agree to his discharge in this way, the next moment after disposing of the question as it now stood; but he would not, and he trusted the House would not, relax now, after hearing the kind of arguments adduced by the hon. baronet. If they did, what would be the consequence? It would be said, that they yielded, because they doubted their own right: that when it came to be questioned, they were glad to compromise the matter by liberating the individual. On these grounds, he must give his vote against the motion, and he called on the House to pause before they adopted a course which would subject them to much misrepresentation.

Mr. *Sheridan* had heard a great deal during the whole night, of cases in the earlier periods of our history, in the reigns of the Tudors and the Plantagenets: and of the Henries, and the Edwards; before the Reformation, and previous and subsequent to the Revolution—now he wished to draw the attention of the House to one simple and obvious case—the case of Mr. John Gale Jones. It had been said by the hon. and learned gent. who had just sat down, that it would be wrong to think of releasing Mr. Jones, on account of the principles contained in the speech of the honourable baronet, lest the act of liberation might seem a consequence of the doctrine, or a concession to its validity. Now he should certainly vote for the release of Mr. Jones, but he should not do it by any means on the principles contained in the honourable baronet's speech; and he did not see indeed what the abstract arguments of that speech had to do with the actual liberation of Mr. Jones. Why should he be sacrificed to a theory with which he had no concern? Why should he fall an unwilling martyr to doctrines, which he never propagated, nor perhaps ever entertained? Did he ever say, with the hon. bart. that the House had no jurisdiction over any persons except its own members? To this indeed, and to this in its full extent, went the arguments of the hon. baronet. It was in vain to deny it. What! said he, condemn a man without a trial, examination, or the intervention of a jury—imprison a British subject without the verdict of his peers! This was indeed, the whole tenor of his speech, but with such tenor the motion under consideration had nothing whatever to do; it merely went to propose the release of Mr. Jones, in consequence of his having been confined long enough for the offence he had committed. With regard to the general doctrines of the hon. baronet upon this occasion, he confessed, that he could not subscribe to them. Indeed, there were some of them which he heard with surprize —When the hon. baronet in talking of that House described it as the inferior branch of the legislature, he really must suppose from the hon. baronet's principles, that he must have made a slip. What, that that House which contained the representation of the people, even such as it was, should be set down by the hon. bart. as the inferior branch of the legislature? If the House were reformed, no doubt it would be so much the better, but whether or not, made no difference as to the description which the hon. baronet gave of it, he must believe, by mistake.

The hon. baronet recommended a reference to the attorney general to prosecute for any libel upon that House, in preference to the course which had been pursued in the case under consideration. But on this point he differed decidedly from the honourable baronet. This was a practice he never could give his sanction to; and by the adoption of which, he had no hesitation in saying he thought the House would be dishonoured. It never could delegate into any other hands than its own, the maintenance of its privileges, without a degradation of its dignity and a dereliction of its duty. He well knew the consequence of confiding such a trust into the hands of an attorney-general. He knew it from experience. He had once the honour of being appointed chairman of a committee appointed expressly in order to ascertain who was the author of a certain gross and scandalous libel against the dignity of that House. The libel proved to be the production of Mr. Reeves, a friend of his own, for whom he felt a very high degree of personal respect, and went the length of stating, that the monarch was the chief prop and strength of the constitution, the root and trunk on which its vigour depended, and which might remain fresh and vigorous, though even the other members of the legislature,—the branches, were demolished. This he in the House had moved to be a gross and scandalous libel, and was proceeding to take further steps in consequence, when one of the gentlemen opposite thought proper to suggest, that the further prosecution should be handed over to his Majesty's attorney general. The suggestion was unfortunately adopted, and the author of what had been unanimously condemned in the House as a gross and scandalous libel, was acquitted in the court below. This was the consequence of transmitting the defence of their insulted privileges into the hands of an attorney general. The recollection of this case, which could never escape his memory, held out no inducement to that House, in his mind, to transfer to any court the preservation of its privileges and dignity. No, he would rather prefer the increase of their own indisputable right to guard against and punish the violation of their own undoubted privileges.—But, as to the nature of the offence committed by Jones, and the imprisonment he had suffered in consequence, he must again express his hopes that gentlemen, who seemed disposed to release him, would not allow that disposition to be affected, by coupling his case with any argument advanced by the honourable baronet. The offence of Mr. Jones ought to be candidly considered, and the extent of the punishment regulated by the merits of the case. What then in reality was the nature of this offence, of which it seemed he was unanimously considered guilty, though now, indeed, the entire feeling of the House appeared in his favour, provided he could be abstracted from the arguments by which the motion had been preceded? Why, he had merely proposed as a subject to be mooted at a debating society, whether certain conduct of two members of that House had been or had not been offensive to the liberty of the press; and in case of condemnation, which had been most criminal. Now this was a question proposed merely to be discussed at the debate of an evening society. He begged gentlemen to consider how far this case then was worthy of serious attention, much less deserving of severe punishment. For himself, he was free to say, that he hated all extremes. While he differed from the honourable baronet's doctrine, that that House had no right to commit any person but one of its own members, for any attack upon its privileges, he could not, on the other hand, agree with the principle laid down by the new Teller of the Exchequer, when he originally brought forward the case of

Jones.

Jones. To have heard the opening of the accuser, one would have thought it a case aggravated in the extreme:—" Read me," says the hon. member for Cambridgeshire, turning to the clerk, (he is not now, indeed, member for Cambridgeshire, said Mr. Sheridan, and I hope, for the honour of the people of England he will never again be returned to this House by any portion of that people) " Read me a certain page of a certain chapter in the bill of rights." Now the passage which he had desired so pompously to be read, merely directed that no proceeding of that House should be questioned in any court or place out of doors. Was this meant to bar all public discussion, all consideration of politics out of parliament? Unless it meant this, it could mean nothing; it must prevent the publication of any report of any of their proceedings; it must carry the order to its utmost extremity. Now to prove how conveniently this principle might be occasionally relaxed, he would merely state the contents of a requisition which an hon. baronet had just shewn him, as having been served on him, requiring his attendance at a court of common council—he did not think it would be disorderly to mention the name of the hon. gentleman, not certainly as a member of that House, but as an alderman—he was a very constitutional man; it was sir William Curtis: The requisition desired his attendance at a court of common council to " consider of the prodigal and profligate expenditure of the public money by the House of Commons, in the late grant of an annuity of 2,000*l.* a-year to lord Wellington." Now if the bill of rights was to be so closely adhered to in every case, why was such a notice as this made public with impunity? What! shall that House thunder its vengeance to batter down a poor debating club, when it would not dare to raise its arm against a wealthy corporation? If this distinction was to be practised and endured, let there be an end then of all that gives our constitution value—repress all discussion—prohibit any county meetings—silence every controul over public men on the part of the people,—and by that act deprive parliament of the great stimulus by which it is forced to do its duty. If this principle of the bill of rights was to be acted on at all, common justice required that its extension should be general; and if that were once the case, they would rob the people of their only consolation under suffering—their best prop and champion—their chief resource under all the miseries of misrule and misgovernment,—a free press. An attempt of that description had been made some time since. He had not then the honour of a seat in that House, but it was at the close of the American war that the experiment was tried. Lord North attempted to exclude the public from the House of Commons; he had the power, and exercised it for above a session and a half. What was the consequence? every county had its parliament, and every village in the empire its delegates: clubs assembled, and societies sprung up for the discussion of their rights, and the examination of their grievances. The result however was, that the minister seeing his mistake, restored the usual opportunity of communication between the people and their representatives. If he had not done so, what might have been the consequence? He remembered well that much mischief was apprehended, but the danger was dissipated by the restoration of that freedom which was the most effectual foe to danger. Therefore he saw with pain every act of hostility against the freedom of the press, particularly at the present crisis. The House ought not at such a period to betray any thing like that hostility. It was inconsistent with the safety of the country, and peculiarly so with their own interest. But in the case under consideration their interest, their principles, and their pride should restrain the House from engaging in such conduct. There was something so silly, so small, so ignominous in the contest in which the House was involved, that he could not think of it without pain, and therefore must feel anxious to rescue it from its warfare with the British Forum. Upon these grounds he would take leave to move an Amendment, that John Gale Jones should be discharged in consequence of the contrition he had expressed for his offence against the privileges of the House, and the period he had been imprisoned in Newgate. The right hon. gentleman expressed a wish to know from the chair, whether this mode of applying for the discharge of Jones, or his own application by petition, was the more regular or ordinary course in such cases?

The Amendment having been delivered to the Speaker, he observed in reply to the inquiry of Mr. Sheridan, that an application to the House by petition from the prisoner, would be more consonant to the ordinary mode of proceeding in such cases.—The Amendment being read,

The *Chancellor of the Exchequer* said, that he could not agree either with the original motion, or the amendment. In the first instance, the argument of the hon. baronet had altogether failed; it had been shewn in the course of the debate to have been wholly unfounded: a noble lord (Folkestone) had taken great pains and mainifested no inconsiderable portion of ingenuity in reconciling the statements of the honourable baronet, with principles which those statements went to upset. It had, however, been admitted, even by that noble lord, that that House had a right of committal in cases of contempt, and that one concession, immoveably founded as it certainly was, at once went to the root of the whole argument of the hon. baronet. It had been said by a right hon. gent. (Mr. Sheridan), that Mr. Gale Jones was not to be made a martyr to the mode of reasoning adopted by the hon. baronet. But he would ask if the House was to sacrifice their sense of their own dignity to principles which they utterly denounced? He could not see why the House should be called upon on the very day on which they had heard a doctrine avowed that went to the existence of their privileges, to discharge a person whom they had unanimously declared as guilty of a breach of their privileges. The right hon. gent. had reasoned as if every attempt on the part of the House to assert their privileges must necessarily involve them in discredit, and put them in a situation out of which they were unable to deliver themselves with either address or dignity.—Yet it appeared, that when the right hon. gent. had preferred an accusation himself it necessarily became important; then to be sure it originated in sound reason, and was deservedly matter of grave consideration. It appeared, however, from the result, that a jury of dispassionate men, happily removed from the resistless influence of the right hon. gent.'s eloquence, had pronounced Mr. Reeves not guilty of that atrocious libel which the right hon. gent. in the vehemence of his eloquence had attributed to him. If, then, the House never came well out of such causes, the instance mentioned by the right hon. gent. in which that gentleman was himself the mover, was certainly one of the aptest illustrations of the truth of that assertion. He thought that the House should be extremely cautious in admitting the influence of any new doctrine, without tracing that doctrine to its source. The corporation of the city of London had been confounded with a spouting club—the one was a legal constitutional corporate body, and the other was utterly unknown—it was nothing. He had no hesitation in saying that that House ought to pause before it would interfere with the legal exercise of a constitutional body. They were convened by legal authority—they met to exercise a constitutional right—to petition parliament, and in that petition to comment upon the proceedings of their constituents, so that the analogy did not at all hold. He called upon the House to weigh well the consequences of making the case of Mr. Gale Jones a precedent—and a precedent it must be if hitherto the uniform practice was that every offender should, previous to his enlargement, send in an humble petition to that House, acknowledging his offence and avowing his contrition; and if, in the present instance, Mr. Gale Jones should be absolved from that hitherto indispensable preliminary. Some stress had been laid upon the expressions of contrition made use of by Mr. Gale Jones at the bar; but such expressions had been made previous to his commitment. The House agreed, after that confession unanimously, to commit him; therefore, some subsequent acknowledgment was necessary; at the same time, he had no hesitation in saying, as far as he himself was individually concerned, that if the person in question should, according to the ordinary and regular course, submit his acknowledgments to the House in the shape of a humble petition, he (the Chancellor of the Exchequer) should be the first to accede to any proposition for his enlargement; but if that individual should be so ill advised, as to refuse such acknowledgment, the House in his opinion could not enlarge that person without a compromise of its dignity.

Mr. *Sheridan* in explanation said, that he had distinctly stated that that House had pronounced the Pamphlet of Mr. Reeves to be a gross, scandalous, and malicious libel.

Earl *Temple*, if he could not concur in the motion of the hon. baronet, should not consent to the attainment of the same object by a side wind, in agreeing to the amendment. He thought the confinement already suffered by the individual a sufficient punishment for his offence; but would not consent to his discharge till he should by a petition express contrition for his offence. The Bill of Rights was not intended to prevent constitutional meetings, legally convened for discussing the conduct of public men. But he could not consider self-called meetings as entitled to the same consideration as corporation meetings, or county meetings legally convened by the Sheriffs. He should therefore vote against the original motion and against the amendment, at the same time distinctly stating, that if a petition were to be presented, he should vote for the discharge of the individual.

Mr. *Whitbread* was sorry that the hon. baronet had brought forward his motion in a shape, which, whatever way it should be decided, would not attain his object. He could not but agree that the House had the right to commit persons for a breach of its privileges; but he must also add, that in his opinion that House very seldom got well out of such proceedings. It was clear that the honourable baronet had gone the whole length of denying that the House had the right to commit any person, but one of its own members; for he had put his argument in the form of a syllogism; a court of record only had such a power of commitment; that House was not a court of record, therefore that House had no such right of commitment. He should therefore vote for the amendment.

Mr. *C. W. Wynn* declared his intention to vote for amendment, because he thought the confinement already suffered sufficient as a punishment for the offence.

Sir *F. Burdett* replied to the various arguments which had been urged against his motion. He had endeavoured to guard against the confounding the simple proposition, which he had stated, with the exercise of the inquisitorial functions of that House. He could never have had it in idea to assert, that the House had not the power, in the exercise of its constitutional functions, to remove nuisances, that is, obstructions to judgment, a power which every magistrate possessed. All courts had that right, because without it they could not proceed in the administration of justice. What was the legal meaning of contempt? That which throws obstructions in the way of the proceedings of any court, is a contempt of that court; therefore the privilege of the court in such instance was the right of removing such obstruction; but how were the proceedings of that House affected, or at least obstructed, by a libel? Did it follow that, because it could commit for direct obstruction, it could likewise imprison for constructive contempt? The former was a power necessary for the performance of its constitutional functions, and had not been denied by him. But he did deny that they had legally the power to call a man to their bar for the purpose of charging him with an offence, and then to inflict upon him imprisonment, the highest punishment, not capital, recognised by the law of this land. In doing this, the House appeared to him to have greatly transcended its constitutional prerogatives. The hon. bart. then proceeded to review the cases that had been adverted to in the course of the discussion, and the comments made upon them. He shewed that not one of them applied to the case under consideration. If any hon. member could shew to him that such a prerogative was necessary to the constitutional functions of parliament, he would submit. They had already abandoned all the privileges which were formerly thought necesary for them, because they had been found obstructions to justice, and they now retained only freedom of speech and from arrest. He had hoped that the learned gentlemen opposite, those luminaries of the law, would have thrown more light upon the subject; but the only case they had produced, that of Ferrars, in the reign of Henry VIII, went to shew that the House in such cases had no separate authority. the learned gentlemen had mistaken all his cases, and misconceived the object for which he had cited them, and the arguments with which he urged them. But the hon. and learned gent. (the attorney general) had not been able to shew that it was consistent with the law of England —that law, which, according to Plowden, was founded upon pure reason—that an English subject ought to be questioned twice for the same offence. The cases he had cited, he referred to only as illustrative of his argument, and in order to shew, by the well digested and able paper of the Judges in the case of Bridgeman and Holt, that the judges acknowledged no legal tribunal in this kingdom but the courts established by the law of the land. The *lex parliamentaria* that had been so much talked of, was binding upon their own members, but not upon others. It did not give that House a power, not possessed by the Sovereign—the power of committing a person for an offence cognisable by the legal tribunals. What was the answer of chief justice Morton to Edward the Fourth, when asked by that monarch "whether he could arrest a particular person", "No, Sire, that would be an act for which you could not be questioned, and the party, if aggrieved could have no redress; you must make an arrest by an officer who will be responsible for the consequences." It was likewise a most material objection against this right claimed by the House, that they could not proportion the punishment to the offence; as an individual may, by possibility, be confined seven years, or only five minutes, if a dissolution was to take place. Much had been said of the dignity of that House; but if dignity was to be measured and supported by punishment, Jack Ketch must have more dignity than any other individual in the kingdom. If strong powers were to be given any where, he should prefer giving them to the King. He had ever been an enemy to the exercise of arbitrary power in any quarter, and on the same grounds was led to oppose what he looked upon as an usurpation of an unconstitutional and arbitrary power on the part of that House.

The Amendment was then negatived without a division ? but upon the original motion the House divided—For it, 14—Against it, 153—Majority, 139.

[SLAVE TRADE.] Mr. *Brougham* rose to make his promised motion for copies of the correspondence between the foreign secretary and the ministers of foreign powers, resident in London, upon the subject of the abolition of Slave Trade. The hon. gent. requested the indulgence of the House while describing the object of his motion, and the nature of the papers he intented to move for. He disclaimed all sentiments of hostility to the present ministers as influencing him in the motion he was about to make. He then proceeded to advert to the resolution of 1806, and lamented that, as a general measure it should have proved so inefficacious; more especially with respect to foreign powers. Sweden had carried on the Slave Trade in the island of St. Bartholomew; that island from its proximity to those of the West India islands belonging to us, afforded ample means for supporting an illicit trade in slaves with many of our colonies in that quarter. The Slave Trade, with respect to Sweden, was merely a nominal trade, not exceeding six or seven slaves a-year for that island. He trusted, however, that such facilities of intercourse existed between the courts of Stockholm and London, as that any evils resulting from the illicit trade at St. Bartholomew might be remedied. Next, with respect to Portugal and Spain, their flags could not certainly be used to any great extent in protecting the illicit trade. When he was at Lisbon in his Majesty's service, he was astonished and concerned to find that from one district of Africa, there were annually exported to the Portuguese settlements in America, not less than from 15 to 16,000 slaves, and this he was then told amounted to but one half of the whole trade for Portugal. He trusted that our representations upon this head would be found to have had weight in the councils of Portugal; as we might justly be supposed to have some influence in a country in the defence of which we had voted money for the support of 30,000 of its native troops. With respect to Spain—Spain he had no doubt traded in slaves to the amount of nearly two thirds of the Slave Trade of Portugal; the principal part of this trade as carried on by Spain, was carried on between Cuba and the Havannah; and it was but too justly apprehended, that in the intercourse between both the illicit trade was supported by landing the slaves upon the British isles. With respect to America—the Americans had abolished the Slave Trade, yet much of the illicit trade was carried on under the flag of Sweden; this was a topic peculiary interesting to the Americans, and the House had seen in the American correspondence respecting Mr. Erskine, that they shewed their willingness to open a negociation upon this subject; they had said that they could not make any concession affecting their right of sovereignty, yet that, if their ships should be detected by our cruizers in that illicit trade, the owners of those ships would not make any representation to their government, in the violation of whose laws they had so suffered. He apologised to the House for the few observations he had taken the liberty to throw out, and concluded with moving, "That an humble address be presented to his Majesty, praying that he would be graciously pleased to order, that there be laid before the House, copies of all communications made by his Majesty's secretary of State for foreign affairs, to the ministers of foreign powers resident in London, with their answers thereunto."

Mr. *Canning* complimented the hon. gent. on the ability with which he had stated the subject. With regard to Portugal, the hon. gent. would find that every thing had been done to induce the Brazil government to concur in carrying the abolition into effect. But though no doubt Great Britain had reason to expect that the Portuguese government would pay considerable deference to its recommendation, yet it would be recollected that Great Britain had no right to dictate to that government. When the abolition had advanced so slowly in this enlightened country, with all the aid of popular feeling, and all the weight of the two great authorities (Mr. Pitt and Mr. Fox,) who concurred in this point, though hardly on any other. When this measure had been 20 years in agitation here before it was carried, it could not reasonably be attributed to a want of zeal or humanity in the Portuguese government, which has removed to the very land of slavery, that it had not in the space of one year done any thing decisive. But he believed that when the papers should be produced, it would be found that there was an article in the treaty with the Brazil government, providing if not absolutely, at least much more effectually for the gradual abolition than the article contained in the abortive treaty with America. With regard to Spain, the Slave Trade of which had perhaps been too highly estimated at two thirds of the amount of the Portuguese trade, the hon. gent. would find that the object had not been neglected in that quarter. But if considerable management was necessary with respect to the Portuguese government, the hon. gent. would be aware that good management was also necessary with regard to that of Spain. There was hardly time to enter into any stipulation with that government with respect to its colonial policy. But it would be found that the most earnest recommendation had been made to the Spanish government, to take the subject into its most serious consideration. As to Sweden, it would be found that no return could be made to the address on that head—unless something had been done with that power since he had been in office. His object, he confessed, had been to obtain from the different governments a distinct abolition of the trade—and not a convention to prevent an illicit trade by trade by the subjects of this country, under their flags. He confessed he had not been aware, till lately, that the illicit trade in slaves by British subjects had been carried on to so great an extent under the Swedish flag. As far as Sweden herself was concerned, the advantage she herself derived from that trade was certainly very little—and he had heard with extreme regret that her flag had been lent to our own traders to carry on this commerce in direct defiance of the law. He suggested that some effectual steps should be taken by the legislature and the government to suppress this gross infringement of the law by British subjects. With regard to America, he differed altogether from the hon. gent. as to the mode of proceeding with that government, although he perfectly agreed in all the principles he had stated. The hon. gent. thought that America was anxious for the abolition. His information led him to a contrary conclusion. His belief was that the Americans had no inclination to abolish the trade effectually, and that they only wanted to take advantage of our abolition. Under that government it would be kept in mind that there was a greater slave population than under any other, and that the popular feeling would not therefore go so effectually along with its government in the abolition. The substance of the article in the abortive treaty to which he had alluded, was, that the two governments should mutually communicate to each other the steps taken to carry the abolition into effect, which was hardly doing any thing. But the hon. gent. thought he saw from the correspondence some reason to think that there would be no serious opposition on the part of the American government to an agreement permitting the capture of their slave vessels by our cruizers; because as such vessels would be acting in opposition to the American law, they would have no ground of complaint to the American government. But the hon. gent. had not read the correspondence with his usual accuracy. An agreement on this point was what they particularly objected to, as contrary to their sovereignty, although at the same time they had said that if the power of capture should be exercised, persons taken in an illicit trade could not be intitled to redress. But, in this, there was nothing like a convention; it was merely saying, that any one might kill an outlaw. If this country had legislated upon the idea of any such right of capture, the American government would certainly have complained; another consideration was, that this would be liable to abuse. The only way of proceeding would be by the admiralty, at their risk, giving directions to our cruizers, or rather privateers. But what assurance could there be, that this discretion given to privateers, would not be abused; and when vessels were found to have been improperly seized under such a system, to what perpetual complaints would it not give rise. There must also be a reciprocity in the conduct of the system, and the American privateers would be let loose; and under the pretence of seizing slave-ships might be an intolerable annoyance to our whole trade. He did not say they would actually do this: but certainly the experiment would be most dangerous. Nothing could be done upon a ground like this. In all the principles and objects of the hon. gent., he most perfectly agreed. He had only risen for the pur- of briefly stating the principles upon which he had acted, with reference to this subject, when in office. He concluded by seconding the motion.

Mr. *Stephen* wished that his hon. friend had not thought it necessary to preface his motion with any remarks, but had spared his observations till the production of the papers. But as the American government had been represented as unfriendly to the abolition,he was anxious to say a few words on that point. There was a great deal of slave population in America; but still there was evidence to shew, that the American government was as friendly to the abolition as it could be, in consistency with a due regard to popular feeling. To prove this Mr. Stephen mentioned, that a slave ship had been brought in by a British cruizer, and condemnation applied for in the prize court. It turned out that the ship was American property, and there was no doubt but she must be restored. Mr. Monro, the American minister, stated at that time, that the American government wished to give no protection to the claimant; but if the ship was to be restored then he claimed her for the government, on account of her carrying on a trade contrary to the law. He also instanced another case of the same kind. Among the commissioners under the treaty the majority were Americans, and consequently almost all the disputed points were carried in their favour; but when a claim was made for a slave ship it was rejected with indignation. These things went to prove the Americans were not unfriendly to the abolition. He thought that a distinction might be made between the slave trade and other branches of commerce, and an arrangement made on that particular point; but the article in the abortive treaty could never have answered any very good purpose. It ought to be kept in view, however, that at that time the slave trade had not been altogether abolished. He believed that there was a disposition in the American government to concur in this object, and he thought it but just to state that opinion.

Mr. *Brougham* was aware, that in order to effect the object, there must be some arrangement with America, because otherwise, there could be no proceedings in the prize courts; but what he submitted was, that there appeared in the correspondence a disposition in the American government to concede so far as to afford hopes, that some arrangement might be made on this particular point. The right hon. gent. in his opinion had dealt harshly with the American government. They had given proof of their disposition to abolish the slave trade. It ought to be recollected that they had set us the example of abolition, a pretty strong proof that they were sincerely anxious for the success of the measure. And yet the right honourable gentleman had said—and so grave and serious a charge had seldom been so lightly made, that the only object of the Americans was to get possession of a part of our slave trade! He did not believe that this was the case; and if he had believed it, he would have been cautious how he stated it. He would humbly recommend to the right hon. gent., who had so lately been secretary of state for foreign affairs, and might, perhaps, be very soon called to that office again, to be cautious how he preferred so grave and serious a charge.

Mr. *Barham* had always been of opinion, that unless the trade was abolished by other governments it would soon revive in our own colonies. It was only by treaty with other powers that the trade could be effectually abolished.

Mr. *Wilberforce* expressed his great satisfaction that whatever little differences there might be on minor points, there was one universal concurrence in the desire to carry the object of abolition into complete effect. On that object he himself, and those who had taken a particular interest in the measure, had constantly kept their eyes fixed. He thought the right hon. gent. (Mr. Canning) had gone too far when he said that the American government was unfriendly to the abolition. It had been well stated by his hon. friend (Brougham) who had out of the House done so much for the cause, and who now exercised his great talents in its favour in the House—that the American government had been before us in the abolition. There was, he firmly believed, a general disposition in America to abolish this traffic—and it ought to be remembered that they had done more than ourselves on this subject; for a great many of the slaves there had been emancipated—a most favourable omen of their future exertions in the cause. He hoped the attention of the House would be fixed upon this great object, and the great benefits which it was calculated to confer on human nature.

The motions were then agreed to.

HOUSE OF COMMONS.

Wednesday, March 14.

[ORDNANCE ESTIMATES.] The House having resolved into a Committee of supply,

Mr. *Ashley Cooper*, without any prefatory observations, stated to the Committee, that the total saving on the ordnance estimates for this year, amounted to nearly one million and a half;—under the head of ordinaries, there would be found to be an excess for this year, amounting to 7,000*l.*;—but under the head of extraordinaries, there would be found to be a diminution of charge, amounting to 1,140,000*l.*;—and under the head of unprovided, there would appear a diminution of 352,209*l.*;—so that the total saving under these two heads of extraordinaries and unprovided would consist of a diminution of expence, amounting to 1,492,209*l.*;—and the total sum he meant now to call upon the Committee to vote for the ordnance service of the current year, for the United Kingdom. amounted to 3,819,466*l.* The saving under the head of extraordinaries arose from various causes. There was a reduction from the annual charge of the foreign service, of 200,000*l.* There was also a saving in works and repairs of 260,000*l.* There would be found a further saving of 60,000*l.* by the reduction of draught horses; and by a diminution of the number of depots, there was an additional saving of 100,000*l.* With respect to the estimates for the ordnance in Ireland, there would be found generally to be a saving of 123,000*l.* and under the head of new works, would be found a further saving of 17,000*l.* The hon. gent. concluded with moving. "That it is the opinion of the Committee that a sum not exceeding 3,819,466*l.* be granted to his Majesty towards defraying the ordnance estimates for the current year."

Mr. *Calcraft* rose and said, he was not surprised that the hon. gent. had been so brief upon the subject; but he must request the patience of the Committee, while he deviated from the example which had been given, and went a little more into detail. He found, in looking over the papers which he held in his hand, a reduction of 100,000*l.* from the last year's expence, and so far as such a reduction could be proved to be real, he was willing to allow the hon. gent. due praise. This reduction had been made in the expence for saltpetre, and in those charges which were termed 'unprovided,' a phrase equivalent to 'extraordinaries' in the common accounts of the army. But when he looked into those parts of the statement where extravagance was most unjustifiable and unserviceable, he found the old spirit still alive, and as vigorous as ever; he found charged in 1809, 4,586*l.* for a house for the Secretary, in Pall-mall; he next found for a building for a similar purpose, 8,406*l.* which, with a non-descript charge, which he could not distinctly trace, at that time, amounted to 11,000*l.* The expenditure in the ordnance department in providing apartments for its officers was intolerable; summed up, it was not less than 45,000*l.* It might be alledged that a considerable part of this expence had been sanctioned by himself (Mr. Calcraft) and his colleagues, while in office: but the contract for the house in Pall-mall had been made before they could have any influence over it. As it was, they tried to get rid of it, to throw it off the hands of the nation, to exchange, to sell it; and, in the failure of all their efforts for this purpose, were forced to perform the contract; but improvements and embellishments were going on, which would make the cost of that onerous fabric at least 50,000*l.* But the expence of the establishment did not halt here: a miserable house in Pall-mall was bought up at the sporting price of 7,163, for an engineer officer; another for the inspector general was purchased at a splendid price, in that same most expensive part of the town.—He must now advert to an expenditure which it might seem invidious to touch upon, but which it was absolutely necessary to notice, he meant the pay of the superannuated men, and the pensions of widows and officers: but under this title, interesting as it must be to the feelings of the House, a large system of peculation was easily concealed; it contained all the private pensions of the ordnance, and in even the last year had increased by 6,599*l.* The melancholy events of the past year presented but too obvious a reason for this increase. With regard to the works in the country he found a charge for the Cinque Ports, and he requested to know if the fortifications at Dover were completed. He found in the estimates the Chatham head of expence diminished, but still the extravagance there had been enormous. He had but to instance the artillery barracks; those buildings contained about 1,000 men, with a few horses, and some sheds for carriages; yet the expence of the work had been 150,000*l.* Another questionable item was that of 19,000*l* towards the erection of an artillery hospital—he wished this item to be further explained. But there was another rather extraordinary item of 5,000*l* for the construction of a powder magazine in Dorchester; it was natural for the hon. gent. to have his partialities for Dorchester, but he (Mr. Calcraft) was at a loss to know why a powder magazine was necessary there; He wished to be informed whether it was to treasure up the military stores of the town, or to receive the spare powder of the entire district. He hoped, however, that whether or not, it would be kept at a safe distance from the town; but 5,000*l.* was a sum undeniably too large for so idle a purpose. He next found under one sweeping head, for building and taking land for building on, at Woolwich, 134,000*l.* This charge first met the eye in the modest form of 78,639*l.* and was gradually inflated up to the aggregate which he stated. The minor abuses there, were of the same rank with those which he had noticed at Chatham. Officers were known to make almost a property of the horses provided for the service; and while they had them in actual employ drawing their coaches and curricles, refused to pay the tax demanded by the commissioners, on the plea that they were the king's horses. The commissioners, however, resisted such a plea, and would allow no more than a single horse for each officer. On a late inquiry, it was found that an officer had in his service no less than nine or ten soldiers as the regular attendants in his house, as his grooms, valets, and for aught he knew, as his cooks, butlers, &c. and four horses. This person's plea, he understood to be, the exercise of an assumed and as yet undisputed privilege; that he had been guilty only of what he had known others, and many others, to have been constantly guilty.

Mr. *Ashley Cooper* stated, across the table, that a court of inquiry was sitting upon the case alluded to by the hon. gent., and if any officer should be found guilty of such practices he would be punished by a court martial.

Mr. *Calcraft* resumed; if the circumstances he had stated were true, he trusted that the court of inquiry would not rest there; but he would not detain the House any longer upon the circumstance, but proceed. The next charge which he found was a small one, it was true; but he found no cause for it, trifling as it might be thought; 650*l.* for ordnance expenses at Hungerford. The next objectionable item of charge, was that for building barracks at Wedenbeck; and here he must observe upon the general folly of that extravagance, which built such sumptuous apartments for men whose income could not exceed 300*l.* or 400*l.* a year, as would be fit for men of as many thousands, giving them thereby idle notions of expenditure, and leading them consequently into extravagance. He found likewise in the estimates a provision for artillery drivers, a corp of between 5 and 6,000 men, with 6,000 horses. This great and most expensive body was and could be, of no possible use in the country, excepting, in case of an invasion, to move the artillery from one part of the country to another. He did not find the sum relative to them printed in the estimates. Those artillery horses were cantoned by five and six hundred together in districts on the coast; yet in these very districts the country was charged with 87,000*l.* for contract horses, to do the general work; while the driver's horses were idle, totally idle, fat, and sleek, and pampered till they would be unfit for even the single service to which they were designed. He knew that officers had an aversion to putting their horses to any work that sullied the glossiness of their skins, or dimmed the polish of their harness; but the expence of the corps amounted to the enormous sum of 400,000*l.* whilst its services were only useful at the actual

actual moment of invasion; as if we could have no notice of invasion, not a moment to prepare; or, as if the species of horses employed in the artillery were not precisely of that description, of which an almost unlimited number might be got at any pressing moment in the country! Yet for this event, distant, if it should ever arrive, the country was to be saddled with an intolerable expence, a permanent and certain burthen, to meet an event barely contingent. The number of the corps employed on foreign service must be small, and there could be no ground for continuing an useless expenditure at home. The corps should be reduced, not perhaps totally; it might be advisable to leave a skeleton for an increase of the corps, if it should be necessary; but if the number of horses were 6,000, he would reduce them to 1,000. He apologized for the detail into which the subject had led him, but it was one to which too keen and patient a spirit of inquiry could not be applied; it was not becoming the economy of that honourable House, to vote away immense sums without minutely investigating the necessity of the charge, and particularly without knowing the application of former estimates. The charge for saltpetre, in which a reduction was boasted of, was 600,000*l.* The charge for artillery drivers' horses in Ireland was 10,000*l.* He did not comprehend the foundation of a charge to that extent; did it comprehend the purchase of horses in Ireland for the corps here? [He was answered in the negative across the table.] He confessed himself totally at a loss to account for a charge which seemed so superior to the necessities of the small corps stationed in Ireland; and he must lament to find, that the spirit of economy which had given such hope of rational retrenchment was merely nominal at best; a reduction only from one degree of waste to another; from the indefensible extravagance of last year, to the almost equally culpable extravagance of the present one.

Mr. *A. Cooper* admitted the excess of the present year's estimates over those of 1806; but that excess was imputable to the increased exigency of public affairs since that period as well as to the rise in the price of every article. With respect to the house in Pall Mall, he entered into a minute detail of the proceedings, on the part of the board of ordnance in purchasing that house, to shew, that the board had been influenced by an anxious attention to economy. Their former house had been at St. Margaret street, and from their wish to avoid expence, they had long and distinctly refused to contract with the commissioners for widening and improving the streets about Westminster; a peremptory notice, however, finally obliged them to give up their house; and they then called Mr. Wyatt, their architect, before them, who stated that the lowest terms on which he could build a house for them was 40,000*l.*, and that he could not do it in a space less than two years. They had heard in the mean time, that the Union Club House was for sale, and that the proprietors were distressed for money. He (Mr. Cooper) was consequently ordered by lord Chatham to treat with the proprietors' agent, Mr. Gould, for the purchase of the House, not for the public service, but on the part of a private individual. He did so, and succeeded in getting the house at such a price, that the original proprietors' creditors were very indignant when they heard of the terms of the sale, and who were the purchasers; the sum given for the house was 30,000 guineas, including the furniture, without which the house would not be sold, and which was worth 5,000*l.* With respect to the house for the Secretary, when he came into office, he found an estimate, for a new house for the Secretary, of 6,800*l.* This, as having, he presumed, the sanction of lord Moira, he had acted upon, and Mr. Cooper sold his interest for 7,163*l.* The plan of the Chatham buildings was Mr. Wyatt's; and as to the officer alluded to by the hon. gent. as having been put under arrest at Flushing, he could only say he had found that officer at all times intelligent and active. With respect, however, to the buildings of Chatham, he had reason to hope that there would be no further demand upon the public upon this head. The depôt of carriages for sea service was of wood, and this made it so liable to the danger of fire, that it was thought necessary to build another depôt. With respect to the abuse of horses, the hon. gent. had over-rated the case to which he had alluded, the officer not engrossing the use of nine soldiers and five horses, but only of two horses and but two men, but these constantly: there might have been more occasionally, but it had been determined to prevent the continuance of this abuse for the future.—Of the artillery horses, to which the hon. gent. had adverted, some had been sent to Spain and Portugal;

some were in Sicily, and some were in Ireland; and 1,500 were to be reduced. The use of the horses however was not confined to the dragging of the guns. They were necessary for the purpose of training the drivers. The battles on the continent lately, it would be recollected, had been decided chiefly by the rapid movements of artillery. The drivers too, upon occasion might be drafted into the artillery, where they proved very useful. With regard to saltpetre, it had been thought necessary to have a quantity in the country equal to seven years consumption, and hence the large sum demanded under that head; when this augmentation had been proposed by him there was but a supply for two years consumption in the country. The artillery horses could not do the business now performed by contract horses. The contract horses were employed in the works which were carried on only in summer, and it was at that season that the drivers were trained, so that the artillery horses could not be employed instead of the contract horses. The works of Dover were almost finished, and therefore there would be a reduction under that head.

Mr. *Calcraft* said, that 30,000 guineas was a most extravagant sum for the house purchased for the board. No individual would have given such a sum for it. The expence of it altogether was 51,000*l.* independent of the house for the Inspector-General of the engineer department. As to the work of the contract horses, he was still fully persuaded, it might be performed by the artillery horses. One set of the horses might be at work while the others were in training, and different sets might thus relieve each other alternately. He observed the enormous sum of 16,000*l.* for contract horses in the London district. He had not heard of any public works carrying on in that district. There might be such however, but that ought to be stated.

Mr. *Smith* said it seemed to be the intention of government, like rich men, to lay in a store of every thing which might by any possibility be wanted; not, like men of economy, to say to themselves, "Can we by any possibility avoid this expence." (Hear! hear!) But he rose chiefly from his local knowledge of Woolwich, to make some remarks on the expence and utility of the works now carrying on there; and 700,000*l.* he observed, was the estimate for various buildings carrying on in that quarter. He could positively state, so far from this being necessary, that the works there were a common jest to the whole neighbourhood. He had heard them ridiculed within the very walls of the arsenal, about which he scarcely ever rode without observing some new piece of architecture. The land which lay on the side of the Thames had been, he declared, purchased by government at a sum above ten times its value; and this purchase was not more to be condemned than was the expenditure of 20,000*l.* on a wharf. He had said thus much on a subject with which he was locally acquainted, because he knew those estimates were now (not, as formerly, confined to the House) canvassed by the country at large. He hoped every member would examine them, and express his opinion on those with which he was acquainted. He could not sit down, without again declaring, that the buildings at Woolwich were particularly objects of disgust for their inutility and extravagance.

Mr. *Wardle* rose, not for the purpose of canvassing each individual estimate, but of remarking on the entire mass of charge, as it stood before him. He confessed he had had some hope, that a retrenchment would have taken place, from the declaration of an hon. member opposite, last session, that there would be a saving this year of a million and a half. An ostensible diminution had now indeed taken place; but if any one took the trouble of examining the estimates carefully, he would see that it was but ostensible. The saving had been made only by using old stores, &c.; but in any new estimate, a real diminution by no means appeared. Throughout the entire list, indeed, the utmost affectation of minuteness was observable, even to the calculation of pounds, shillings, and pence. But he had particularly to condemn one head which constantly appeared in the ordnance estimates, even although it had been disapproved of, by a Resolution of the Finance Committee, so far back as 1797; he meant the head denominated "Unprovided for." A close inquiry into those estimates was now essentially necessary, particularly as any account of the application of the expenditure was to be refused hereafter. He hoped, however, that the day when the House should have a full and fair account of the expenditure of every sum voted for the public service, was not far distant. To shew the affected minuteness of the present estimates, he had only to refer to two items, which he had accidentally observed. The first was the estimate of the expences at Cumberland Fort, in which a penny was calculated; and the next was for a fortification at Gosport, estimated at 6,600*l.* and sixpence. (Hear! hear!) This was really so ludicrous, that it did not deserve a serious comment. The excuse of the hon. gent. for the enormous estimate of 6,000 artillery horses, was, that indeed they were necessary in order to train and exercise the drivers! This, surely, could be done just as effectually by 100 horses. (Hear!) Last session he had moved for an account of the contingent expences of this drivers corps; and though his motion had been agreed to, the account had not as yet been laid upon the table. He had heard they amounted to 6 or 7,000*l.* annually. The waggon contracts he had also expressed his disapprobation of; and it would be incredible, if the account had not been taken from the estimates of the years themselves, that the contracts for those waggon horses for four years, had amounted to 674,000*l.* Comparing this year with the former year, a reduction of 60,000*l.* did, indeed, appear in this estimate; but this was compensated for in the very next estimate, by an addition of 30,000*l.* He was informed, that a rumour had reached the ordnance, concerning these very horses, and that a person had been in consequence sent on an investigation, but that he never had made his report, and that there the business was allowed to end. The complaint was, that many of the horses had been taken from the public business to be employed on the farm of Mr. Welling, and sent down for inspection on the days of muster.

In the estimates with respect to Ireland, he saw that in the contingencies of this train, those of other corps were included, although the expences of these other corps were afterwards introduced in the army estimates. In the contingencies of the Irish artillery, between the years 1808 and 1809, he observed a difference of above 7,000*l.* the reason of which he could by no means comprehend. There was also another circumstance which, he confessed, perplexed his calculation: it was, that there were in Ireland but 2,400 artillery men, and in England 25,000, and yet in one year the contingent expences of the artillery in Ireland amounted to half as much as the expences of the artillery in England. He should be glad to hear this accounted for. The number of horses, too, in Ireland, were the same as last year, and he had been informed 10,000*l.* was to be demanded for an increase of them; yet he saw that the estimate for forage for this year was not less than for last year, which appeared unaccountable, if the number of horses was the same. As long, however, as the head of "unprovided for" was allowed to remain in the estimates, any charge, either as to forage or any thing else, might be introduced. At Waltham Abbey the sum of 104,053*l.* was estimated as the expence in erecting powder mills for four years. Now he could by no means see the necessity of any such expence. The French and Germans, it was well known, used barns or any other temporary building for the manufacture of powder, and every body knew what an effectual use was made of it. He admitted, indeed, that he had heard the foreign powder was not so good as ours. In those estimates it was the custom to vote large sums under the head of different buildings; and yet a sweeping charge was made for these afterwards, as for the "defence of the country." Various charges were included under this head, which had been made before under the head of depots, fortifications, &c. &c. For four years indeed, commencing at 1807, 4,193,000*l.* had been voted for buildings, repairs, &c. ("Ammunition included" from the ministerial bench). No, said Mr. Wardle, for buildings and depots; and in the next four years it would be no doubt in the same proportion. As to the minuteness of the estimates, it signified very little whether they were minute or not, as any mistake might easily be obviated, so long as the head of "unprovided for" was allowed to continue. He hoped these were the last estimates, in which such head of expenditure would be allowed to be brought before the House; and he hoped also, that an account of the expenditure of every sum voted in the estimates would hereafter be produced. He was sure there could be no difficulty in the computation, as it would be much easier to give an account of how the money had been expended, than to make out an abstruse estimate in the beginning.

Mr. *A. Cooper* said, that the House were not to understand by the term "unprovided for," that there was to be no account given. He allowed, that with respect to land purchased in the neighbourhood of

Woolwich, the price was exorbitant, but it was extorted from the public necessity. The land was absolutely necessary for the range that was acquired for the artillery. As to the increase which the hon. gent. took notice of in the corps of drivers, it proceeded from a mistake in the estimate of last year when the number was stated at 5,000, whereas it was really 5,600. The expence, however, had not been increased except in giving increased allowances. The hon. gent. appeared to him to confound the draft horses for the artillery with the contract horses. The contingencies of the artillery in Ireland included the contingencies of the horse artillery, of the corps of engineers, and of all other corps connected with the ordnance. When the hon. gent. complained of the expence of the powder-mills at Waltham Abbey, he should have recollected the period of the American war, when government powder was proverbially bad. Bad as it was, we were then entirely dependent for a supply upon the merchants. Even at the time of lord Nelson's celebrated victory, the stock of gunpowder was so small, that the ordnance could have hardly issued enough for another battle of the same sort, and were absolutely obliged for a time to suspend their issues for foreign service, in the expectation of a scarcity. This was a fact, which it would have been dangerous to the public service to have been stated at that time; but the evil was now, in a great measure corrected. The hon. gent. had spoken of the practice of the French to make powder in barns. If he would take the trouble to examine the works at Waltham Abbey, he would find that we also use, for that purpose, many buildings that resemble barns. Under the general head of "the defence of the country," was included the expence of building batteries and martello towers along the coast. And as to the sum voted for building and repairing depots, it had lately been judged necessary to have a large quantity of artillery and ammunition in depot, to guard against invasion or unforeseen contingency.

Mr. *W. Smith* said, that as it was impossible for gentlemen on his side of the House to have the same means of information on this subject as the gentlemen on the other, their objections must come from what appeared on the face of the estimates. It happened that he had made some observations respecting the works at Waltham Abbey, as he passed by them once or twice every week: and he was really astonished at hearing that they cost 100,000*l.* for there was nothing about them which to him appeared to require such an expence. He was afraid that there was, in no instance, a sufficient check on the expenditure of the public money; and that the public generally paid 10, 20, or even 30 per cent. more than individuals, for the same work. He remembered, that when those works at Waltham Abbey were going forward, he was perpetually threatened by his workmen that they would leave him, and go to Waltham Abbey, where they would be sure to get whatever they choose to ask. When government also consented to give a sum of 12,000*l.* for 45 acres of ground near Woolwich, they submitted to what appeared to him a most extortionate demand. Now he could not perceive any good reason for this. They might have either purchased at a fairer price other ground nearly as eligible; or, if this particular piece of ground was necessary, there were means to which the public might have recourse to purchase it at a fair and reasonable price. An expence of 12,000*l.* had also been incurred, in purchasing the lease of a house to be fitted up for the secretary of the admiralty. This appeared also to be a profuse waste of the public money. The purchases of wood in the four last years appeared enormous; as did also the money perpetually expended for building store-houses, military buildings, and quarters for officers at Woolwich. This amounted to no less than 422,000*l.* in the four last years. It appeared to him that the heads of the ordnance had acted on no settled system, but according to their own caprice, which was too much indulged. He remembered that when the late duke of Richmond brought in his celebrated plan of fortification for all England, it was supported by government and by so many gentlemen in that House, that it was only by the casting voice of the Speaker that the country was then saved from a most enormous burden; and he belived, that if the whole expence of the martello towers had been stated to parliament at once, they would hardly have agreed to the present extension of them. He was afraid that in no department of the government was there a sufficiently strict hand kept over the expenditure, and that in every item of the expenditure there was a consideration of gain to some individual. In one instance a man had been dismissed from an office, and yet received a pension of six or seven hundred a year, which was calculated on emoluments that were at the time not supposed to be fair. It was high time therefore that the country should now see, that the House was resolved to attend to public economy, and not merely to keep up the government by the influence which contracts and jobs procured. The person who was allowed to defraud the country in a small instance, would be thus prevented from giving information against persons committing great abuses. They would conceive themselves parties concerned, and a sort of *esprit de corps* would prevent them from detecting greater abuses. He thought, therefore, that too much publicity could not be given to every item of public expenditure, as publicity was the best remedy for abuses.

Mr *W. Pole* admitted the impropriety of conniving at peculation. The man who did so could be no friend to his country. Much had been said of the expence incurred by the works at Waltham Abbey. It was but fair that the circumstances under which those expences were incurred should be taken into consideration. The annual expenditure of gunpowder was from 50 to 60,000 barrels; and at the commencement of the present war he (Mr. W. Pole), on being appointed to the Ordnance, saw with inexpressible anguish that we had not in store more than 14,000 for all the services of the country, and a considerable portion of that was not applicable to the navy. It might be proper to state to the House the quantity of powder commonly expended in a battle. In the battles of the 29th of May and the 1st of June not less than 5,000 barrels were expended. Had another action occurred at that period, the distress of the country for gunpowder would have been extreme. Under these circumstances, the Master and the Board of Ordnance were bound to do all they could by possibility effect towards alleviating the evil. They called on the merchants, in the first place, to state what quantity of powder they could produce in a given time. They were engaged to furnish the greatest quantity they could possibly make in five years, but even this provision was insufficient. Thus situated when the country was exposed to such extreme distress, did it not become imperatively the duty of his Majesty's ministers to exert themselves to avert the threatening evil by procuring an ample supply from some other quarter? They felt it to be their duty to ascertain what the royal powder mills were capable of producing. The works at Feversham were first examined, but those were found in such a state that but little aid could be expected from them. The state of the Waltham Abbey mills was next inquired into, which were found capable of making but 10 or 11,000 barrels yearly. Now, in consequence of the arrangements made they did not produce less than 22,000 annually. To effect such a change, it had been found necessary to double the extensive works of that place. This had been done at as cheap a rate as might be, but it was physically impossible to produce so great a change without incurring a considerable expence. The buildings for that purpose though they were slight (as had been stated) were very expensive. In the first place the corning-houses were filled with mill machinery of the nicest quality, so nice, that if one of the present works at Waltham Abbey were blown up to-morrow, it would take six months, employing the best workmen that could be found, to put up the machinery of another before powder could be made. Of these buildings, at the present time, we possessed five or six at Waltham Abbey. A great improvement had been made in the drying of powder; formerly gloom stoves were made use of, in which 40 barrels of powder were dried on shelves by a most dangerous process; now an improvement having been made by General Congreve, the powder was dried by steam in perfect security. The benefits accruing to the country from this improvement were immense, but the apparatus required in consequence was very expensive. The advantages however were such, that he trusted they would give full satisfaction to the Committee and to the country. Another instance in which an increase of expence had occurred was occasioned by the improvements in refining of salt-petre, which had been refined to a degree almost incredible. For this also the country was indebted to General Congreve. Great expences had however been sustained in consequence, as they had been obliged to double the establishment of the melting houses, and an additional expence had been incurred by canal works, &c., which thus became necessary. The mills also had occasioned an immense expence, and much difficulty had been found in procuring mill-stones. Those were very expensive, and here he had to notice a great advantage derived from our Irish works, as formerly we were obliged to gain all our mill-stones from Flanders. We began to be in great distress for the want of mill-stones, when happily a quarry was discovered in Ireland. This discovery however was not made till those works were begun. One advantage arising from the establishment of those works was, we were enabled to make powder at a less expence than that the merchants furnished us at, and of a superior quality to that they supplied. It was of consequence to keep up a rivalship between the merchants and the crown, and to avoid materially depressing either the one or other. The manner of supplying ships with powder was not so good as it might have been. Powder, take what care they would of it, would not keep for any great length of time. The damp, in a long voyage, would get to it. Buildings were therefore erected at Portsmouth and other places for drying and mixing powder, so that now when ships came in their powder was sent to the magazines and changed with more facility than formerly. At the period to which he had alluded, the exigencies of the country were such, that he thought no time was to be lost. He would not suffer any delay to arise from their not being able to obtain workmen through the pay being insufficient. If men could not be procured to work for their usual wages, sixpence or a shilling a day ought not to be suffered to oppose an obstacle. Whether the expence were 50 or 70,000*l.* in the then circumstances of the country, he thought of little importance when the object in view was considered. He had next to speak of Woolwich. When a noble lord, whom he should ever be proud to call his dear friend (lord Chatham), and who, whatever might have been said of him, had proved himself a good servant to the country, was placed at the head of the Board of Ordnance, he found Woolwich in a state very different to what it is now in. It had not even a covering for the stores which were there deposited. He (Mr. W. Pole) had been charged with the equipment of an expedition, and the state it was in at that time was such, that not an officer went down who was not of opinion that the Ordnance would be a month behind the other parts of the armament. There was not a person in any department of the state who did not make that an excuse for neglecting his duty. Lord Chatham had planned the improvement of the wharf which had been so successfully executed. Gentlemen opposite had no right to blame government for not laying the whole of the plans for the improvement of Woolwich Warren before them when they had not been moved for. All the heavy work of an expedition lay on the Ordnance. In the late expedition the number of ships they had laden with battering trains and other Ordnance stores amounted to seventy. He had been called on to know how soon he could load fifteen or sixteen ships, when he replied, that if he did not set them off in three days after they were sent to him, he would lose his right hand. Formerly his answer would have been, that he would have sent off two or three in a fortnight after they were sent to him, and possibly the whole in about six weeks. Was the increased expedition with which such a force could be sent out nothing, was it worth no additional expence? At the time lord Chatham was placed at the head of the Ordnance, there was no covering for the carriages of vessels, now there were carriages for thirty sail of the line, sheltered in wooden storehouses.—They had even no place for the storing of timber at the breaking out of the present war, the carriages were, in consequence made of green wood, which did not last half the time they would have lasted had the wood been properly seasoned. It was well known that if wood were painted before it was perfectly dry, it would not do half the service it ought. He therefore contended that, it was true economy to keep a proper stock before hand. He was responsible for the increased expence attending a two years supply of wood in store. At the period to which he had alluded, the means of the Board of Ordnance to construct field carriages were so circumscribed, that they was forced to contract for the number they had occasion for at a great expence, while an inferior article was supplied. Contemplating this inconvenience lord Chatham had ordered a new carriage yard to be made on a large principle. This measure he contended was creditable to the country and consonant to the dictates of true economy, as the carriages were now made under the eye of an officer capable of giving a proper judgment on them, instead of their being obliged to have them from London. He had been the cause of 1,000*l.* being expended on a steam-engine more than they had occasion to pay for an inferior article. He had sent to Mr. Bramah that they might have the best they could be furnished with, as he thought the best would ultimately prove to be the cheapest. The laboratory had been formed when the establishment at Woolwich did not amount to one-third of what it now is. A considerable sum had been laid out for the improvement of it, and he hoped still more would be so expended. He wished the hon. gent. who had expressed himself as being so much shocked at the expence, to go over Woolwich Warren and look at the laboratory, carriage-yard, &c. When the war broke out, on examining the ship ordnance, there were found 7000 guns which had not been re-proved. The powder being so much stronger than formerly (he meant the cylinder powder), he thought it was necessary they should be re-proved, and fortunately it was for the service that his suggestions were attended to, as nearly one-fourth of their number did not stand the shock, but burst with such violence, as materially to injure the buildings which stood near the old proving hut, and some of the fragments passing over the wharf, were near falling on the hulk. This circumstance shewed the necessity of fixing on a spot for proving the cannon at a greater distance from the buildings, though the fitting up of a new place was necessarily attended with some expence. Another very considerable expence was incurred by the building of a new academy. That this was necessary no one doubted, a contagious fever having broke out in the old one, in consequence of the crouded state of the cadets. That however, was not the cause of its being erected, lord Chatham had seen the necessity of it before, and the building was at that time in progress, when the fever breaking out appeared like an argument sent down from heaven in its favour. That building he supposed cost more than 150,000*l.* The barrack establishment it had been found necessary to enlarge, as there were only accommodations for 5,000 men, when 24,000 were to be provided for. Similar reasons rendered the enlarging of the hospital necessary. Our field train, consisting of 600 pieces of cannon, exceeding by six times what England ever possessed before, it was necessary to erect buildings to preserve them from the weather, which was done at a great expense. A proper place for instructing the artillery more scientifically was loudly called for, where gen. Congreve might superintend their exercise; this had been also supplied. These statements he conceived were a sufficient justification of the expences incurred, and he thought the conduct of lord Chatham entitled to the highest praise for acting in so systematic a manner. The buildings of which he had spoken, he contended were necessary. In making them, the board of ordnance had done their duty. If in the course of the work any extravagance could be proved, let the bolt of vengeance fall where it might, and punish the offence as it ought to be punished. He would next speak of the Martello Towers. They were erected at a time when much was said both in and out of that House of the danger of invasion. It was thought necessary to build those Towers under such circumstances. Now it was impossible for the enemy to invade us, gentlemen might decry that policy, but at that time a different sentiment prevailed throughout the country. When the expence attending their erection was spoken of, the circumstances under which they were raised ought to be remembered. They were not to be erected at leisure. If they were not erected by the following June, it was thought the enemy might come and render their labour useless. He had recommended it to lord Chatham to send for gen. Twiss on the subject; who gave it as his opinion, that it was impossible to build them but by contract. A Mr. Hobson, who had built the London docks with great ability, was named as a person fit to conduct the undertaking. Mr. Hobson, however, would not undertake to do them, as the uncertainty of the expence was such that he thought no man could in justice to his family enter into such a contract. It was then thought the only way left to them, was to employ workmen to be superintended by Mr. Hobson, allowing him a per centage, under the observation of gen. Twiss. Even this offer Mr. Hobson declined accepting till he (Mr. W. Pole) called upon him as an Englishman to aid his country in her extremity. The right hon. gent. concluded by stating in detail the difficulty they had to encounter in erecting the Martello Towers.

General *Tarleton* said he had great reason to find fault with the estimates, not only as being very extravagant, but at the same time most extraordinary; for while some things appeared to be wonderfully overcharged, others seemed to be as much the contrary. The hon. gent. who spoke last, had, since he left the ordnance department, been employed as secretary to the admiralty, and in that capacity he had stated that 70 vessels had been provided for the ordnance service in the Expedition to the Scheldt last summer. If that were the case, how the whole expence of that Expedition could only amount to 800,000*l.* was to him astonishing. He should have thought, as he knew that vessels for the transport of ordnance stores were the most expensive of any, those vessels would of themselves have amounted to half that sum. He condemned the whole system as the most absurb and extravagant he had ever heard of. He censured our most important depôt of stores being placed at Woolwich, which was so near the sea; and thought that for fear the metropolis should ever be taken by the enemy, a very great depôt should be formed at Nottingham, where it would be attended with many advantages.

Sir *Mark Wood* defended the erection of the Martello towers, and thought it was the duty of government to prepare for the storm before it burst on their heads.

Mr. *Wardle* said that these Martello towers were all constructed for the purpose of being defended by two guns, but by some strange blunder they could only carry one. He should not have said any thing more on the subject, but the hon. gent. had told the House, that invasion was a bugbear, and yet they were now called upon to vote a sum of 160,000*l.* for those towers. In one place where he had been, there was a line of coast of at least six miles totally without any defence of the kind, though the hon. gent. said the coast was studded with these towers.

Mr. *Parnell* was not prepared to vote for the estimates, because he thought them in many instances most extravagant. Another objection he had to doing it, was, that when he looked at the House (which was very thin indeed) he could not think that so large a sum as 4,000,000*l.* of the people's money should be voted away by so few of their representatives, and with so little investigation. He should therefore, move, as an amendment, that the chairman do report progress, and ask leave to sit again.

Mr. *W. Smith* seconded the amendment.

M. *Whitbread* observed, that the hon. gent. (Mr. W. Pole) had said that it was morally impossible that an invasion of this country should now take place. Why, then, were they called on to vote away so large a sum of the public money for fortifications, which must be wilful waste, if no invasion was to be apprehended? He objected particularly to the word "contingencies," which appeared so often in every page of the estimates. He did not understand what was meant by the term. There were contingencies at Quebec, and contingencies at Curaçoa, and yet those at the one place might be very different from those at the other. As the money had actually been expended, it was easy to say how that had been done, and in fact it ought to be fairly and clearly ascertained, He condemned the establishment at Weedenbeck, as a most extravagant one; and throughout the whole he said that every article concluded with 'current services' and 'contingencies.' The House had a right to know, and they ought to insist on knowing, what those lumping charges for 'current services' and 'contingencies' were; the whole amounted to 109,000*l.* and before he voted such a sum he was entitled to know how it was to be expended. There were many articles of great magnitude, with 'contingencies' in every one, that were altogether unexplained, for which reason he should vote in favour of the motion to report progress.

Mr. *W. Pole* expressed his surprise that the hon. gent. who had just sat down, should, with all his acuteness and activity (and he thought him the most active member of that House he had ever seen), have sat so many years in it, and not have found out that in all that time, and for years before, the ordnance estimates had always been made up in the same form, and yet neither the hon. gent. nor any other had ever before on that account found fault with them. If the accounts were produced, they would be extremely voluminous.

Mr. *Whitbread* said, if he had not before observed the inaccuracy of those charges, it was the more necessary he should endeavour to have it corrected now that he had discovered it. The hon. gent. had not, however, explained what he wanted to know, viz. what was meant by 'current services' and 'contingencies.' He had talked of an account, which would be volumious if produced. Then there was such an account in existence, and he (Mr. Whitbread) desired to have it.

Mr. *Bankes*, under all the circumstances of the discussion, thought it would be best to to adjourn the further consideration of the estimates to the time proposed.

The House was ordered to be cleared for a division; but none took place, the Resolution having been agreed to.

Mr. *Curwen* opposed, and Sir *John Sebright* spoke in support of the Resolutions, and after some further conversation the House divided—

In favour of the Resolutions	53
Against them	42
Majority	11

Leave was then given to bring in a bill in pursuance of the Resolutions.

HOUSE OF LORDS.

Friday, March 16.

[FOREIGN TROOPS ON BRITISH PAY.]—Lord *King* rose in pursuance of his lordship's notice on the preceding night, to move for the production of various papers connected with the important subject of Foreign Troops now in this country, or in British pay. This subject was one which his lordship considered to be of great constitutional importance. It had always been so considered by the people of this country, though very recently too little notice had been taken of the practice of taking foreign troops into the British service. If, however, the same views of the constitution existed, it must still be viewed in a serious light by every thinking person. Within a very few years past the number of such troops had much increased; and it appeared by the army returns laid before the House, that the expence of them amounted to a million sterling, a sum surely sufficient to require some consideration. His lordship meant to say nothing by way of reflection on the conduct and character of these foreign troops, but yet, however well they might have behaved, he thought that nobody would attempt to say they were equal to our own native British soldiers. Yet it could not escape the recollection of noble lords, that these persons were, almost all of them, not only foreigners, but the natural born subjects of countries now under the dominion of our enemy. He could not think that a military force of such a composition, with the temptations that might naturally be thrown in their way, were fit to be entrusted with the defence of this country, or of any of our most important military stations at home or abroad. But he should refrain at present from pushing his observations farther on that particular point. He could not better shew the opinions held in former periods in this country, on this unconstitutional practice, than by reminding their lordships of what they would all recollect to have been the language of a Speaker of the House of Commons, in addressing the throne on the introduction and keeping up of foreign troops in England. His lordship then alluded to the well-known case of the Dutch guards, in the reign of William III, and other cases of latter occurrence. The foreign soldiers who had been within some years past brought into this kingdom, were understood, at first, to consist of emigrants and others, who were only stationed here, as on their passage, or, for other immediately pressing reasons, but, by no means, as a species of permanent establishment incorporated into, and making a part of the regular military forces of Great Britain. Their number had, notwithstanding, been very greatly augmented, from Hanover, and from other parts of Germany; and this very serious increase in their amount certainly called for some notice and examination on the part of their lordships. He also had found that they possessed certain advantages not enjoyed by the British soldier, such as a limitation of their services to particular parts of the world, the true state of which it was one object, of his motion to ascertain. The footing on which they were placed with respect to pay was another object, as he should desire to know why they should receive much superior pay than they had been used to, and why they were placed on a footing with our military establishment (the most costly in Europe) if they were bound to perform less service than our own army. His lordship concluded by moving for several papers, containing Accounts of the number of foreign troops in British pay, of the number of them employed in this country, of the nature and of the extent of the services for which they were engaged, and of the particulars of their pay and establishments, &c. &c.

The *Earl of Liverpool* rose and said, that he should not trouble the House with any remarks on what had fallen from the noble lord who had just sat down, as he had no sort of objection to the production of any of the papers required by the noble lord's motions. The production of the papers was then agreed to.

[ORDNANCE ESTIMATES.] Mr. Lushington brought up the Report of the Committee of Supply on the Ordnance Estimates. On the motion that the Resolutions be agreed to,

Mr. *Bankes* rose to urge, what in principle had been frequently enforced as well by himself as by other gentlemen on former occasions. The charge of the ordnance department was a branch of the public expenditure which had increased of late more rapidly than any other part of it. There was a greater expence and less economy or good management in this, than in any other of the departments. He had reason to believe, that the estimates were now placed upon a better footing than formerly; and when he considered the diminution which had taken place since last year, he was ready to give his right hon. friends full credit for that diminution. But he was still of opinion, that a very considerable reduction might yet be made in these estimates, not less, perhaps, than a sixth or a fifth of the whole expenditure. It was not his intention to take up the time of the House by going through the different items, though he must observe that many questions had been put upon various heads on the last night, which had not been satisfactorily or indeed at all answered. The sums voted for the increase of fortifications at Newfoundland he had a particular objection to. Such modes of defence were directly contrary to the principles upon which this country maintained its colonial possessions. He had a similar objection to the expenditure of money for a similar purpose in our West India islands. The distance of these settlements rendered it more difficult to establish efficient checks on the application of sums voted for such purposes; and this was therefore an expenditure which it most particularly behoved parliament to curtail. The defence of colonies by fortified places was disadvantageous to powers having the command at sea, as this country happily had, and could only be beneficial to a country circumstanced as France is, because it might enable such a power to hold its insular possessions by means of strong fortresses, in defiance of our superior fleets. It was his firm and conscientious opinion, that a considerable reduction might also be made with respect to draft horses and drivers. Another item, in which as it appeared to him a considerable saving might be made, was under the head of 'Works for the internal defence of the country.' These works were really too extensive, and ought to be limited. The system had been taken up he apprehended too precipitately, on the sudden alarm of invasion, which in the end was found not to be justified. But independent of their inutility, much unnecessary expence had been incurred from the hurry in which the works were constructed in the winter and spring seasons. By applying, therefore, the experience of the past to the regulation of the future expenditure under this head, much expence would be avoided; and this brought him to observe, that his chief complaint upon the whole was, that, according to the system pursued of late years, the government was understood as a government of departments, without any controuling power to superintend and direct the whole. Of this, the speech of the hon. member opposite, on a former night, was an illustration. Each department wished to make itself as perfect, and to embrace as many advantages, as possible; and, in their ambition to outstrip every other department, no expence was considered. The language was, "don't mind expence, care not about the pounds or the shillings, but make the department perfect." When parliament, therefore, found the government, in its different departments, without any efficient controul, it became its duty to act, not only as a watch upon the conduct of these different departments, but in some instances as an ally or auxiliary force, in support of what may be right in their respective arrangements. Committees of that House had often protected ministers in this way against the weight of the departments of their own government. In illustration of his observation, he might advert to the arrangement made in a former session with the Bank; an arrangement which, though beneficial for the public to a certain degree, had not been carried to the extent recommended by the Committee of Finance, of which Committee he had then been chairman. No minister, however strong in power could have carried that arrangement into effect, if not supported by the weight and authority of such a Committee. For his own part he had no doubt but very considerable reductions might be made in these estimates. As to the mode of preparing these estimates, it was his opinion that they ought to be drawn up as fully as possible, with all the sums necessary to be voted, specified under the precise heads of service to which they were to be applied. In this respect he had greatly to complain of the slovenly manner in which the estimates were usually prepared, so that even in the smallest estimates the sums and the services were not always fairly represented. He admitted, however, that the estimates were in this instance better in that respect than formerly. But he was surprised not to find an estimate or provision for the expence known to be every day incurred in the building going on at the ordnance office. The hon. gent. then went somewhat into the detail of the items, complaining at the same time of the heavy expence incurred last year, for erecting a powder mill; and also that so large a sum as 600,000*l.* should have been voted last session for saltpetre, when no such sum could possibly have been necessary. He then observed, that as that House wished to give every publicity to their accounts, it would be desirable that all the items of expenditure should be distinctly stated under their proper heads. Though the estimates had been presented this year in an improved state, he was still of opinion that further improvements might and ought to be made: because whether the expenditure was to be large or small, it ought to be fairly stated. In that case they should better be able to ascertain how far the sums voted under each head fell short of, or exceeded, the services for which they might be granted. It was in that point of view that the estimates should be looked at, first by the executive government, and afterwards by that House, for the purpose of establishing an effectual controul over the lavish expenditure of the public money, which departments, when left without any such check, were but too apt to run into. By this course they would be able to see how many things, thought necessary by the departments, the public service could do without; and in the hour of danger they would be stronger, through the money saved, than they could be by the effect of an expenditure, on many occasions wanton and generally useless. No efforts therefore should be left untried to raise our revenue to our expenditure, as, until we should bring our expences down to an amount commensurate with our revenue, we could never consider the country in a state of complete security.

Mr. *W. Pole* began by apologising to the House for trespassing upon its attention by a repetition of what he had already urged in the Committee of Supply on the subject of these Ordnance estimates, to which he was compelled by the statements of the hon. gent. who had just sat down. He would, however, endeavour as much as possible to abstain from doing so in what he had then to address to the House. His hon. friend (Mr. Bankes), had said that one sixth of the expences might be saved. In this account, it was clear that a million and a half had been saved; and if his hon. friend knew of any thing that could effect a saving to the amount of a sixth, he certainly ought to have pointed out in what way it could be done. The master general, and all those under him in the ordnance department, would listen to him, and feel themselves obliged by his communications. His hon. friend, however, had not condescended to point out one single item in which a saving could be made; which he thought was not fair or candid as he should have expected from his hon. friend. With respect to what had fallen from his hon. friend on the subject of the martello towers, having said so much on that head on a former night, he should content himself with now observing, that gentlemen should recollect the time when those martello towers were undertaken, and ordered to be built, was, when there was a great alarm raised as to this country being immediately invaded, and the government were looked to in a very anxious manner, to provide the best and speediest means of defence. It was not fair, therefore, to come now and say as his hon. friend had done, that if government had proceeded deliberately they might have done the business much cheaper; for if ministers had at that time proceeded deliberately, there would have been a great outcry against them for being inattentive and dead to the dangers which then threatened the country. He could not agree with his hon. friend, that the ordnance department was under the controul of the first lord of the treasury. He perceived his hon. friend, by the shake of his head, disagreed with him in that position; and another hon. friend of his near him, who was a great financier, by a similar shake of his head, signified that he also differed with him on that point; still he must, much as he respected the opinions of his hon. friends, persist in his own. He allowed, that when he had, as first clerk of the board of ordnance, made out the estimates of that department for the current year, he laid them before the first lord of the treasury, for his attention and observation, and was ready to answer his inquiries as to any of the articles therein contained; but yet he did not think that the first lord of the treasury had any controul over those estimates. His hon. friend had found fault with the charge of current expenses and contingencies; but he had, in common with many other gentlemen, fallen into a mistake. He had on a former night observed the same thing of an hon. gent. opposite (Mr. Whitbread), who, notwithstanding his acuteness, and his being one of the most active members of that House he had ever seen, had fallen also into the same mistake. He would convince his hon. friend of his error. The Ordnance estimates had always been made up in this way, and for this reason. He would, for instance, take the estimates for the island of Demerara at 4,000*l.* Yet, when the issues came to be made, it was found that they amounted to 6,000*l.* the additional 2,000*l.* was therefore added under the head of current expences and contingencies, and when the estimate was made next year, the current expences and contingencies would be put down at 6,000*l.* the contingencies having exceeded the estimates. It was easy, however, to account for gentlemen being liable to fall into such mistakes. When they got an army estimate in their hands, each of them fancied himself a general; when they got an ordnance estimate, each of them thought himself a great engineer; and when a navy estimate came into their possession, each of them became, in his own mind, a gallant and experienced admiral; and thus, without knowing any thing of these several professions, without having been bred to any one of them, they set themselves down as competent judges, and preferred their own opinions on those subjects to those of men who have studied, perhaps for years, to attain a thorough knowledge of those branches of naval and military science to which they were bred, and which one would suppose might enable them to form tolerably correct estimates in these several branches of the service. Having said thus much, he did not think it necessary to trouble the House further. As to the financial opinions of his hon. friend near him, further occasions would occur in which he should have an opportunity of combating them.

Mr. *Huskisson* said, his hon. friend had taken such particular notice of an unfortunate shake of his head, that he could not avoid saying a few words on the present occasion. It was not his intention to have repeated what he had said on a former night; but as he had been alluded to, he must again say, that if we did not look to some permanent establishment that might be adequate to the expences of the war, this country would be in a very awkward predicament, and in considerable embarrassment. He should be as glad as any one to hear of a peace; but as he had reason to fear the war would be very long, we must, he thought, look to some system; we must see what we can expend in one year, and how that can be done to the greatest advantage. He, for one, had the greatest confidence in the resources of the country, but we must see in what permanent scale of expence we can carry on the war with effect, and provide adequate resources. As he was called on by his right hon. friend who spoke last, to shew, more than by a shake of his head, that there was a controul over the expenditure of the ordnance, he could only say, that ever since he had known the treasury, it had been so held; and if that principle had always been adhered to, it would have saved great sums to the public, particularly in barracks. His right hon. friend had said, that his hon. friend opposite (Mr. Bankes) had found fault with the extravagance of the expenditure, and had not pointed out one single item in which there could be a saving, whereas the contrary was the case. His hon. friend opposite had particularly pointed out a great saving which might be made in district horses; and in several articles under the head of expenses for the defence of the country; in which he agreed altogether with his hon. friend opposite, that very considerable savings might be made.

Mr. *Whitbread* adverted to the high tone in which the right hon. gent. opposite (Mr. W. Pole) had talked of the incompetence of members to understand the accounts; and he contended, that, though neither an engineer nor a general officer, yet as a member of parliament he must be allowed to know something of the ordnance accounts; and though there might be circumstances connected with them of which official men alone could be aware, the House had a right to full and explicit explanation upon these points. When he talked of keeping things secret from the enemy, did he think that Buonaparté was such a dupe as our ministers were, to what was called secret intelligence? Did he think he would have undertaken an expedition against such a place as Antwerp without having a plan of it? If he had known of many things which ministers were about, he would have laughed at them, as he had done since. But it was impossible to commence the erection of such works without the thing being known; and it was in vain to expect secrecy, merely by keeping the head of parliament in a sack. He then stated, that he perfectly coincided in what had been said by the hon. general near him (Tarleton) whose authority was supported by many other eminent military characters. The military canal too, which had been constructed at so great an expence, was considered as highly ridiculous. He objected also to the idle expence of building magnificent houses for storekeepers, clerks, &c. and expressed his conviction that these things would never be properly managed till the accounts were regulated as a private individual would regulate his own affairs. Private morality was strictly applicable to general politics as well as private economy to the public expenditure. Why were not these buildings erected by contract, which would shew the expence at once, instead of giving a per centage to the builder on the sum issued, which was a premium on fraud?

The Report was then agreed to.

HOUSE OF COMMONS.

Monday, March 19.

[Third Report of the Finance Committee.] Upon the motion of Mr. H. Martin the House resolved into a committee to take into consideration the Third Report of the Finance Committee, Mr. *D. Giddy* in the chair.

Mr. *Martin* then rose and said, that, in rising to perform the duty which he had assumed to himself, he felt a considerable degree of satisfaction from knowing that there was no objection to be made to the principle of the propositions which he meant to submit. It would, indeed, in his judgment, be impossible to justify any objection to a proceeding which had nothing but public economy in view. Since so many speeches from the throne had recommended economy, since so many addresses from that House had expressed an entire acquiescence in those recommendations, he could not believe that any gentleman would be found indisposed to give effect to pledges so solemnly and so frequently repeated. That economy was in the existing circumstances of the country indispensably necessary could not, he thought, be disputed by the most sceptical. That it was necessary, appeared to him perfectly obvious no less from the peculiar situation of this country than from the general state of Europe and of the world, and particularly from the operations of the enemy, which seemed directly and distinctly pointed at our financial prosperity. But, independently of these considerations, the known wishes and wants of the people were alone sufficient to call the attention of the House to this subject. If no recommendations had ever been offered from the throne, if no pledges had ever been made by that House, it was impossible that any candid man who looked at the amount of the public revenue, and at the manner in which it was disposed of, could hesitate about the propriety of taking effectual steps to controul the public expenditure.—When it was known, that the whole of the burthen arising out of sinecures amounted to no less than 1,500,000*l.* per annum, could any one question that propriety? He did not mean to state that the entire of this expenditure ought to be done away; for he was willing to accede to the propriety of making good the several sums voted by parliament; that the allowances, for instance, to the younger branches of the royal family were neither exceptionable nor unnecessary; but the amount of the expenditure under these heads respectively, furnished an additional argument why economy, so universally admitted to be necessary, should be more particularly attended to in other respects. In fact, wherever that economy was practicable it ought to be promptly and effectually enforced, and there was, he believed, scarcely a department of the state in which its enforcement was not loudly called for by the nature and extent of our public expenditure. It was once observed, with regard to the duchy of Lancaster, that although it yielded only 4,000*l.* a year to the public treasury, it afforded 40,000*l.* to the pockets of individuals; and a similar observation was, he feared, applicable in a certain degree, to several other branches of the public revenue. Let the Committee recollect the sums raised in the way of fees and perquisites upon the produce of the public taxation, and how much these fees increased with the increase of our taxes, and then the grounds of his apprehension would be easily understood.

Although he had regretted the delay which had taken place in bringing this question under discussion, he was now disposed to consider that delay as by no means injurious to his object; for full time had been thus allowed for examining the question in all its bearings, and an opportunity had been offered for hearing the statement of an hon. gent. (Mr. Huskisson) respecting our finances, which statement, if it did not alarm, was certainly calculated to attract the most serious attention of the House, from the known acquaintance of that hon. gent., with the best sources of information upon that subject. It must now, therefore, be evident, that the closest examination of our expenditure should take place; that every degree of regularity in its administration and retrenchment in its application should be established. To his mind, indeed, it furnished matter of astonishment that some of those retrenchments had not been long since made, which had been often and long since recommended. By the Report of the Committee of Finance in 1796, the abolition of two offices, namely, the treasurership of the ordnance, and the paymastership of the marines, was particularly recommended, and yet those offices had still existed, until the justice of the opinion of that Committee had become glaring to the country. Even now, indeed, those offices were tolerated, notwithstanding the notoriety of the evidence that they were totally unnecessary for any public purpose, and led only to the greatest abuse.

As to the Resolutions which he meant to propose, the honourable gentleman begged it to be understood, that he was not tenacious of any forms which might create a difference of opinion among those who agreed in the main principle; his object being to embody the suggestions of the Committee of Finance, he was not at all wedded to forms, but would be willing, with the utmost readiness, to attend to any proposition from the worthy chairman of that Committee, (Mr. Bankes) to whom he had before alluded. The suggestions of this Committee were entitled to peculiar attention. In fact, every day that had elapsed since their Report had been laid before the House, served to give strength to their opinion, and all he proposed by his Resolutions was distinctly and directly to pledge the House to act upon that opinion.

Having thus stated his disposition to accede to any suggestion from Mr. Bankes, the hon. gent. expressed his happiness that that hon. member was again invested with the power of prosecuting and rendering effective his laudable solicitude for the promotion of public economy. That much had been done to economize the public expenditure, and to introduce reform into the public offices, he was ready now, as on a former occasion, to admit. But he regretted that, notwithstanding the Report of the Finance Committee in 1796, and the public animadversions which had been repeatedly made upon the subject, not a step towards reform had been taken in any of the law offices. On the contrary, every sinecure office had continued to be filled up again and again, from a succession of reversionary grants. Thus the Report of the Finance Committee of 1796 was utterly disregarded. Such disregard might have been tolerated before the salaries of the judges were advanced. But when that advance took place, it ought, in his opinion, to have been stipulated with the judges, that they should give up part of their patronage. The Report of 1796 sanctioned this opinion; for it proposed that the patronage so given up should be disposed of in the ordinary way, and the produce applied to a fund, from which the judges who retired should derive their pensions. Such an arrangement ought, in fact, to have been provided for in the act granting the increase of the salaries of the judges. Had that been the case, he believed that a fund might have been formed, sufficient not only for pensions to judges on their retirement, but even to defray a considerable part of the salaries of the acting judges. The necessity of reform in the disposition of offices in the several law departments, was in fact notorious to all those who had any knowledge of the subject. The circumstances connected with the appointment of the chief clerk of the king's bench, contributed to prove it. In this office there had been in fact but five vacancies since the restoration of Charles the Second. Nothing appeared to him more disgraceful to a great country, or more inconsistent with the dignity of the judicial offices, than that any judge should derive profit from fees or perquisites. While he recommended the reform he had described, he begged it to be understood, that it was quite foreign to his wish to interfere with the legitimate patronage, or fair emoluments of the judges. Indeed it was his opinion, that the arrangement he proposed would in effect add to their respectability, while it would not diminish their salaries. He would be sorry that his intention on such an occasion should be misunderstood or misinterpreted in any degree.

Adverting to the late pamphlet of a right hon. gent. opposite (Mr. Rose) he expressed his astonishment at the position which that right hon. gent. had laid down, that the influence of the crown had not been increased since the adoption of Mr. Dunning's celebrated Resolution, "That the influence of the crown had increased, was increasing, and ought to be diminished." Such a position, indeed, was calculated to excite universal surprise. But there was scarcely a man of common observation in the country who did not know and could not prove the contrary. He would ask any man to look at the enormous increase of our army and navy since the passing of Mr. Dunning's Resolution—at the several new offices created, since that period, and the pensions granted, since the adoption of Mr. Burke's bill, in violation of its spirit, and to state what he thought of the right honourable gentleman's extraordinary assertion. He would challenge the right hon. gentleman at any time to a discussion of the grounds upon which he pretended to rest that assertion. But the most effectual refutation of the right hon. gent. would appear from a simple statement of our comparative receipts and expenditure at the period Mr. Dunning's Resolution was adopted, and at the present day, with a Report of the grants and promotions which had taken place within that interval. Here the hon. gent. read the following statement :—

1780.	£.	1810.	£.
Public Funded Debt on 5th January	144,083,414	Public Funded Debt on 5th January....	*784,552,142
Interest & Management	5,506,999	Interest & Management	29,992,565
		* The Redeemed Stock not deducted.	
Army.		Field Marshals	2
Generals	24	Generals	71
Lieut.-Generals	80	Lieut.-Generals	132
Major Generals	50	Major-Generals	180
Colonels	*186	Colonels	270
* Including 51 Militia and Fencibles.			
Lieut.-Colonels	*244	Lieut.-Colonels	661
* Including 6 Fencibles.			
Majors	*253	Majors	764
* Including Fencibles and Volunteers.			
	837		2,080
Expence of Army	6,589,080	Expence of Army (if Extras. same as last)	19,432,063
Ordnance	1,270,602	Ordnance	3,819,466
Navy.		*Navy.*	
Admirals	52	Admirals	170
Captains	328	Captains	724
Commanders	176	Commanders	604
Lieutenants	1,258	Lieutenants	3,102
	1,814		4,000
Expence of Navy... Including 1,500,000l. for paying off Navy Debt.	£.6,782,284	Expence of Navy Estimates not yet presented if same as last year	£. 19,578,467
Unfunded Debt.			
Navy	8,357,873	Navy as by Resolutions, 20th June, 1809	7,221,167
		Outstanding Demands as by same Resolution	1,586,581
Exchequer Bills under the head of Land Taxes, Malt Taxes, &c. Mostly consisting of an anticipation of Land and Malt Taxes, &c.	9,502,174	Exchequer bills	* 40,827,200
			† 49,634,948

* 8,000,000*l.* to be funded in the 5 per cents.

† Of these sums 15,000,000*l.* are charged on the Aids of the year 1809.

Peerage.			
English	180	English	281
Irish	152	Irish	215

Patents of Peerage in England since 1780, 195.
Ditto Ireland since 1780, 197.
Baronets in England since 1780, 242.
Ditto Ireland since 1780, 54.
The Barrack Establishment entirely created since 1780.
The Transport Board and Offices also a new creation.

From this statement he should leave it to the House and the public to decide as to the accuracy of the right hon. gent.'s assertion. For was it possible that any man of common sense could subscribe to the opinion that such an augmentation of revenue, such a variety of appointments would not operate directly to increase the influence of the crown? But it seemed the right hon. gent. in his calculation had quite forgotten the new sources of influence created by the barrack department, the transport office, and the board of controul, especially the latter, the junior members of which had, he understood, no other trouble assigned to them than that of receiving their salaries. It was, however, convenient for the right hon. gent. to forget these and other points also which could not at all square with his favourite doctrine as to the influence of the crown.

After referring to the Report presented to the House of the number of civil offices in the country, and expressing a wish that a report of a similar nature should be annually laid before parliament, the hon. member proceeded to animadvert upon the object and application of the four and a half per cent. duties. Those duties were, he observed, originally levied for the purpose of keeping up and improving our fortresses in the colonies, and by no means with a view to be subject to the private dispensation of the crown. But, yet, those duties had been made the means of advancing that influence which the right hon. gent. would maintain to have been for years back wholly unimproved. It was not difficult to divine the cause of the right hon. gent's anxiety, to disseminate his statement through the country before the discussion of this subject took place. But the doctrine of the right hon. gent. could make no stand. It was in fact totally unfounded.

He wished, however, in the observations, which he felt it his duty to make with respect to pensions, not to be understood as by any means disposed to object to the grant of a liberal provision and an ample reward from the public purse to meritorious public servants. But he would ever contend against all grants of pensions under the sign manual, as an illegitimate exercise of the prerogative. He also objected to the practice of granting pensions out of the salaries of public offices, for he maintained, that the crown ought to have no power to grant pensions contrary to the spirit and provisions of Mr. Burke's bill, which prescribed that the whole of the pension list should not exceed 90,000*l.* a year. If in any case it were deemed just to make any additional grant, let it not be done by such subterfuges as he had alluded to—let not the provisions of Mr. Burke's bill be evaded —but let the case be brought fairly and constitutionally before parliament, which never was and which never would be, he trusted, inattentive to any claim of justice. Whilst upon this topic he felt, that he could not impress too strongly upon the Committee the necessity of investigating this question, and of making some provision against the practice he deprecated, which practice involved a wanton addition to the public burthens and an evasion of the law, while it gave scope to favouritism and unjustly extended the influence of the crown. Recurring to Mr. Burke's bill he animadverted forcibly upon the excess beyond its provision which had of late taken place in the pension list. It was his wish that the whole of this business should be brought annually under the inspection of parliament. The grantées, in all cases, of pensions, ought to be made known, in order that the amount of their pensions might be compared with the nature of their services. It was by frequent revision in these cases that parliament would be most likely to ascertain what retrenchment was practicable; and under the present circumstances of the country it became the peculiar duty of parliament to devote its attention to that object. From the temper manifested of late by the House, there was every reason to augur well for the cause of economy. Through the exertions that must result from a continuance of that temper he had no doubt that considerable savings would be made in the several departments of the public expenditure, and the smallest savings should be estimated; for even such savings, if economy were extended, might, in the aggregate amount to something considerable. The country had expected the attention of parliament to be directed to this subject, and therefore it must calculate, that as the report under consideration had lain two years before that House, it would now come to some satisfactory decision upon it. He was sorry that it had remained so long on the table without any decision being come to upon it, because, from that circumstance, the interest it had originally excited, and which it still in an equal degree deserved, seemed, from the attendance of members, to have somewhat abated.

With respect to the Amendments proposed he was willing to adopt the first and second Resolutions of the Chancellor of the Exchequer, as there was in reality little difference between them and his own, but the third Resolution of the right hon. gent. seemed to recognize a principle which he (Mr. Martin) felt it his duty to oppose, namely, that some offices should still continue to be matters of patronage. There were he understood some resolutions to be proposed by an hon. friend of his (Mr. Bankes) which he should have no objection to, as far as he was made acquainted with their nature and substance. The eighth Resolution of the Chancellor of the Exchequer went to limit the pension list to foreign ministers to 2,000*l.* a year, he knew that many pensions had been lately granted for very short services, and would wish to see some distinction established, by which those, who had served long and successfully, should be distinguished from those of a contrary description. As to the interference of parliament upon such occasions, it was no new thing, in proof of which the hon. member quoted the case of the receipts of the auditors of imprest accounts having been reduced from 13,000*l.* to 7,000*l.* a year, and also of a motion of a similar tendency, with regard to the tellers of the exchequer, having been lost in 1780, only by a majority of five. Those two precedents he thought sufficient to justify the reduction of the receipts of any public officer, which parliament might deem inordinate, and he should wish to see the principle generally applied. It did not appear to him fair, with regard to the courts of law, for instance, that those officers, in whose hands the money of suitors was deposited, should be at liberty to make use of that money, without rendering the profits accruing from such use to the real owner, the party succeeding in the suit. Some legal provision upon this subject was highly necessary, and it should be attended with other reforms, particularly as he had before stated, with respect to the disposal of officers in all the courts, both in England and Ireland; for he saw no reason why the arrangement should not, in this respect, be the same for both countries. The honourable gentleman concluded, with proposing his first Resolution, namely, "That it was the peculiar duty of that House to promote economy in the public expenditure."

The *Chancellor of the Exchequer* proposed an amendment by adding the words "of all branches of his Majesty's goverment," which being read,

Mr. *Rose* assured the hon. mover that he had not alluded to him, when he observed, that the savings, which had taken place for the last thirty years, were never noticed by the advocates for economy; for he had no disposition to say any thing uncivil to the hon. gent. As to the pamphlet quoted by the hon. gent., he had thought it proper to put his name to it, and was, therefore, ready to answer for any thing it contained. He would not, however, presume to say, that it was free from error, but he could state that there was nothing in it willingly inaccurate. With regard to that position to which the hon. gent. objected, namely, that the influence of the crown had not been increased of late years, as some gentlemen were so loud in asserting, he had heard nothing from the hon. gent. that could dispose him to alter the opinion he had written. But he rather believed the hon. gent. had not read the pamphlet in which that position was laid down. The increase of our public debt, and consequently of the interest, he of course admitted, but he protested that he did not know how the influence of the crown had been thereby increased. The Bank was, no doubt, under the necessity of employing some additional clerks in consequence of our increased revenue. But the hon. mover asked how the revenue could be increased without advancing the influence of the crown? From this question he saw that the hon. gent. had not read his pamphlet. For himself he declared that when he looked at the increase that had taken place in our revenue, he was quite surprized at the very small addition of officers it produced. He believed that, with the exception of the department of the customs, this immense revenue was collected without the addition of above thirty or forty officers. As to the army or navy, with these departments he was so wholly unacquainted, that he could not speak to any influence that might be exercised in either; for he protested he had no knowledge of the disposition of above twenty commissions in both services ever since he entered into office; and he knew that Mr. Pitt was perfectly chaste on these points. He was sure that the recommendation of his deceased friend was never found to interfere with professional claims either in the army or navy. To the influence, therefore, arising out of the disposition of patronage in the army or navy, he was as little enabled to speak with certainty as the hon. gent.—With respect to the hon. gent.'s observation, that he had forgotten the transport office, the barrack department, and the board of controul, in his statement of influence, that observation again proved that the hon. gent. had not looked at his pamphlet; for the fact was, that he had gone into detail in that pamphlet upon each of the heads alluded to; therefore when the hon. gent. should take the trouble of reading that pamphlet, he would have the candour to acknowledge the mistake he had committed this night. As to the report of sir G. Cooper, he should not object to the annual production of such a report. On the contrary, he would second the hon. gent.'s motion for that purpose whenever he should think proper to make it. Of the violations of Mr. Burke's bill, to which the hon. gent. alluded, he declared himself entirely ignorant. The hon. gent. cited a precedent from the auditor's office for reducing the receipts of a public officer, but he believed that was the only instance in which such a case had occurred without any grant of compensation to the party affected by it. That, however, was a case in which the duty of the office was performed by inferior clerks, and the principals never interfered, in consequence of which the public accounts were slurred over; but at present those accounts were scrutinized with a degree of precision rarely to be found in the private concerns of the most accurate individuals. The right hon. gent. concluded with assuring the hon. mover, that his pamphlet was not disseminated to meet this discussion, it having in fact, been written in the course of the autumn, and left in town for publication.

Mr. *Creevey* thought the pamphlet of the right hon. gent. to be one of the greatest delusions that he ever remembered to have been thrown in the way of the public. The right hon. gent. had affected a laboured minuteness of detail, where he was calculating the number of the offices that had been reduced within the given period of time; but if the right hon. gent. had acted fairly towards the public, he would have set against the offices abolished the new-created offices which had been added within the same period. Upon the barrack expenditure, he thought the pamphlet in question equally defective; no less a sum than nine millions had been added to the burdens of the public in this department, and would it be pretended for a moment, that the power of disposing of so much additional money did not necessarily carry along with it an increase of the influence of the crown? The pamphlet, however, overlooking this enormous addition in this single department, stated generally, that there are annually expended 45,000*l.* to barrack masters and their clerks. But where were the expenses in carrying on military roads, and all the other public works connected with this department? Were these to be defrayed out of the 45,000*l.*? or if they were not, ought they not to have been set against the offices reduced? and if so, was the amount of money, saved by such reduction, worthy of comparison with the amount of expense incurred by the new establishments? Another point from whence the influence of the crown had derived, in his opinion, considerable means of extending itself, was the judicial system in India. Pensions, within the period mentioned in the pamphlet, had been granted for life to judges retiring from office. They had seen the effects of this. A right hon. and learned gent., now a member of that House, for whom he had great personal respect, had retired immediately upon the passing of that act. Another gentleman, who had been a member of that House, and who had since gone out to India, he meant sir William Burrowes, had also retired upon the passing of the same act; and it did so happen, that that gentleman did almost invariably vote with ministers. Now, upon this head alone of the judicial system in India, the expenses did not fall short of one million a year; here then was another new source of serious increase of patronage. Besides, there were various favourable opportunities for the extension of influence in the exercise of East India patronage. The president of the board of controul had, they well knew, his share of patronage. That gentleman might, if he pleased, send out a number of young gentlemen to India every year. He was not, he believed, very strictly limited as to the number. The hon. gent. might smile, but he (Mr. Creevey) believed him to have a very extensive patronage of this sort attached to the office which he held. He believed he had the privilege of sending out as many as he pleased. Another glaring omission in the pamphlet was, that respecting the influence derived from our conquered colonies, and yet it was well known, that since our conquest of Ceylon, Mr. North had gone out as governor of that island, at a salary of 10,000*l.* a year, and that general Maitland had since succeeded him at the same salary. Another honourable gentleman, whom he lately saw in his place (Mr. Huskisson) had received 1,200*l.* a year pension out of the public money. This gentleman derived also considerable emolument from the situation he held as agent for the affairs of Ceylon, which was, he believed, so circumstanced, or under such management, that the hon. gent. was in a manner the auditor of his own accounts, as he accounted only to himself. Another head from which great influence was derived, was that of the droits of admiralty. With respect to this species of property, some gentlemen had contended, as if the droits were as much the private property of the King, as the estate of any gentlemen was his own private property. Now of those droits partly arising out of the sale of the Dutch and partly of Danish prizes, and amounting to the sum of eight millions, but two millions had been as yet accounted for. Had the captors received their due share out of the produce of the Dutch prizes; or if they had not, he would be glad to know, what that consitutional person, Mr. Bowles would say to this.—

Another circumstance, which might justly be an object of constitutional jealousy, was the new sort of connection that had grown up between the Bank of England and the government. Who would have dared to predict, 25 years ago, that the Bank, under the protection of government, would have withheld payment in specie, and for this protection would in their turn have become tax gatherers for the government? -The East India company was, in the consideration of this influence, another just object of jealousy, with a debt abroad amounting to 32 millions—with a debt at home of many millions—borrowing what all the world knew they could never be able to repay; the charter expired, or on the eve of expiring, and they looking up to the government to renew it. He knew not how it was possible for gentlemen, directors of that company and having seats in that House to do their duty at once to the proprietors, and to their constituents. He certainly thought the situations of such gentlemen a nice and difficult one. Again, with respect to the head of pensions, the pamphlet had studiously avoided all detail. Indeed, the right hon. gent. seemed to know perfectly well, when it suited his own purposes when to go into detail, and when to be summary. On the head of the reduced offices, he had been elaborately minute in his detail, and had even gone back to the comparatively remote period of queen Anne's reign, though he avowed in his pamphlet that his observations should be confined within a certain limited period of time. In the four and a half per cents. and the Scotch pension list, there appeared to have been but two or three members of parliament that had pensions in the year 1784, but at present no less a number than 17, were quartered upon this fund. Another subject, upon which the pamphlet had been silent, was that respecting the contractors. He believed that there were such persons members of parliament, and also that the right hon. gent. himself believed that there were. He was at least satisfied that the right hon. gent. would not take upon himself to say, upon his honour, that there were not such a description of persons among the members of that House. The name might be concealed, and no doubt was, to evade the act of parliament.—The hon. gent. then proceeded to pass an opinion upon the pamphlet generally, which he said bore internal evidence that the writer of it could have been influenced by none but party motives. Considering the talents of the right hon. gent., he thought it a most unworthy production, being a narrow and most partial view of the subject it professed to treat on. With respect to one side, it was a most pitiful statement; and with respect to the other, it was altogether defective, neither more nor less than suppressing the real state of the question by partial and entire omissions.

Mr. *Rose*, with some warmth said, that, he trusted the Committee would excuse him for again rising to answer another attack upon his unfortunate pamphlet. The hon. gent. who had just sat down had dealt out his abuse of that dull performance, and his censure upon the motives of the writer, in a manner that might fully justify him (Mr. Rose) in paying very little deference to the opinions of that hon. gent. That hon. gent. had said of him what he had no right to say. He had unfairly and unjustly imputed motives to him which he denied to have influenced his conduct, and in doing so the hon. gent. had acted unwarrantably. The pamphlet alluded to was generally charged with a deficiency in detail. But he appealed to those who had read the pamphlet, if this objection was well founded. With respect to the judicial system, it was the first time he ever had heard, that providing for the independence of the judges was adding to the influence of the crown. With respect to the contracts in the barrack department, he knew of no influence respecting them. As to the charge of not going into detail upon pensions, he admitted, that he had not given a list of the names of the pensioners, nor did he think it necessary to do so. As to the influence arising out of the conquered colonies, he did not believe that the whole consisted of above 8 or 10 offices that any man of any sort of competence would accept. He had omitted in his pamphlet, which had been, however, censured for too nice detail in treating of the reduction of offices, to put against that head the various offices in the American colonies that had been lost with the loss of America. The hon. gent. had put him a question respecting the existence of secret contractors in that House. He (Mr. Rose) knew of none: he believed there was no such thing.—He would go further, and declare as his conscientious conviction, that there was not in that House one single individual, who directly or indirectly, had any secret interest in contracts since the time of the passing of the act of parliament. With respect to the subject of licenses, he had admitted, that he had intercourse with members of that House, respectable merchants, respecting them; but he denied solemnly, that in point of favour he ever made any difference whatever respecting the persons, who applied to him. If the hon. gent. himself, or any of his friends on the same side, had applied to him on that subject, they would have had from him as equitable a portion of attention as any other member of that House; and if he was capable of a different line of conduct, he should hold himself utterly unworthy of the situation which he held.

Mr. *R. Dundas* did not see why the hon. gent. should have thought it necessary to introduce the affairs of the East India Company into a discussion of that kind. He denied that the judicial system in India had had any effect in increasing the influence of the crown. The million a year included the salaries of the judges that went circuit, and of the whole police of the country in the interior; and the crown had not the appointment of the judges in India. As for the great official influence that had been imputed to him by the hon. gent. he had only to state distinctly, that whatever it might be with respect to the recommendation of persons, he had never exercised it. Lord Minto had in his possession a pledge from him (Mr. Dundas) that he never would exercise it. He had hitherto kept that pledge, and he would continue to adhere to it. As to the patronage of sending out writers, it did not extend to more than one or two every year. With respect to the parliamentary scruples of the directors affecting the discharge of their duties here or elsewhere, the hon. gent. had only thrown out an opinion, unsupported by any fact or argument, and it might be met by another. One thing, however, might be observed, that there were generally as many directors on one side of the House as upon the other. The judicial system in the East Indies had not grown up since the time of Mr. Pitt. The judges of Madras and the recorder of Bombay had been since added; but these offices were the only additions to the system during that period.

Mr. *Creevey* re-asserted his statement with respect to the India judicial system. He had taken it from three India books that were before the Committee, and had referred it to the consideration of other gentlemen, more capable and better informed on the subject than himself. It had received their sanction, and he therefore had not made it hastily. He had never meant to say, that the crown had the nomination of the judges in question, neither had he said that all the judges had been additional. He was aware that the Bengal judges were appointed long before Mr. Pitt's administration, but the pensions on retiring had been granted since.

Mr. *Simeon*, in defence of the masters in chancery, felt it necessary to state that they had no patronage whatever, and that the increase of their salaries had taken place by act of parliament one or two years before the hon. gent. had thought of bringing forward his resolutions. The hon. gent. might therefore very well have left these officers out of his statement; and his object in rising was to prevent its going forth to the public, that masters in chancery possessed any undue patronage, or received any undeserved remuneration for their laborious services; services not the less meritorious because withdrawn from the public view.

Mr. *Baring* said, that the general reasoning upon the side of ministers had been, that they had not used the patronage they possessed. But that was not the question before the Committee; it was not who used, or who did not use it, but whether they should have it to use beyond a certain limit. He thought, for instance, the patronage of granting trading licences one that admitted of great abuse, and that called for serious consideration.

The *Chancellor of the Exchequer* said, that the hon. gent., could not but be aware that the abuse of the power of granting licences was of such a nature as must call for open and speedy detection if it existed, and must be productive of effects, the most fatal to the government that could be so rash as to resort to it.

Mr. *Barham* was of an opposite opinion. He thought it a power open to abuse, and by no means open to detection. One of two merchants might be ruined by deferring the grant of a licence which might be withheld from him who happened not to be in favour, while the other who was more fortunate, might, by an early grant, have his goods out to the earliest market. Here there might be flagrant injustice, and yet where lay the remedy?

Mr. *Rose* said, that it was impossible the grant of licences could be secretly carried on, and dwelt upon the great industry of the board for granting licences, which sat six days in the week, so that a person applying on Tuesday was almost sure of having his answer on Wednesday.

The first Resolution was then put and carried.

Mr. *Martin*, having given way to the amendment of the Chancellor of the Exchequer, the Resolution was proposed as thus amended—it being understood that Mr. Bankes proposed to introduce his amendment on the Chancellor of the Exchequer's Resolutions.

Mr. *Bankes* then rose, to state his object in bringing forward the amendment he meant to submit to the Committee, was to remove the vague and general words from the Resolution, and to propose such as would at once shew in what spirit the House came to the discussion, what principles it meant to adopt with regard to the abolition or regulation of the offices to which the Resolutions referred. It was true, indeed, that it was always the duty of the House—that it was always a great and important duty, to pay the strictest attention to public economy. But the duty became more imperious at a time when the House was under the necessity every year of imposing heavy burthens on the people. It was natural that, under such circumstances, the people should inquire whether there was any opportunity for retrenchment, and expect, that if there was, that opportunity should not be neglected.—The saving might possibly be small, in amount, but the principle was of the last importance. It was the duty of the House to take care that no money should be wastefully employed, and that when money was given for official duty the duty should be actually performed. The public had a right to the service for which they paid—and, therefore, when offices at first efficient, came, by a change of circumstances, to be sinecures, they ought to be abolished, so that the salaries might be available for the offices which had sprung up, instead of those that became sinecures. It was through negligence that these offices were allowed to remain after the duties originally annexed to them had ceased. He then alluded to the large sum which was now expended for auditing the public accounts, which had become necessary in consequence of the immense increase of the public expenditure. But what he objected to most particularly was, that the efficient and the non-efficient officers should each have salaries. Instead, then of the general words of the Resolution, he wished to bring it to this, that sinecures should be abolished after the interests of the present possessors in them were at an end.—He imagined that there could hardly be a difference of opinion on this point, that people ought not to be paid by the public for doing nothing, but the question would turn upon this, whether these offices, though they could not now answer the purposes of their original institution, ought not to be retained, as necessary for the reward of merit and eminent service, and he agreed that there ought to be provided some means of rewarding great service beyond the daily wages received by those who had been for a length of time faithful and able servants of the public. He hoped he should be allowed to read the four Resolutions which he held in his hand as these would shew that in framing them, he had not neglected this point. It had been usual to reward such services either by a direct pension or by a sinecure office. He rather thought that it would be better to confine the reward of service altogether to direct pensions, instead of having what were direct pensions lurking under the name of offices. A great part of the mischief arose from this confusion of terms. The granting of pensions would be notorious and unequivocal, and this very notoriety would prevent their being conferred in a profuse or glaringly improper manner, but there was no such security with respect to these sinecure offices. As an illustration of this, after disclaiming the intention of saying any thing invidious, he adverted to the manner in which a great sinecure had very lately been applied. This instance, indeed, was hardly wanting, because it was in the common way of giving away sinecures. He therefore did not blame his right hon. friend on the other side (the Chancellor of the Exchequer,) as he had only done what had been customary with regard to such offices. But what rendered this instance a little remarkable was, that there was a case of great service before the House at that very moment. A message had been brought down by the minister from his Majesty, recommending the grant of a pension to lord Wellington, to which the House agreed. The bill for conferring this pension had not passed through the House, when a sinecure office fell into the hands of his right hon. friend. But instead of rewarding the great service of lord Wellington with this sinecure, it had been given to a right hon. gent. (Mr. Yorke) who had, he firmly believed, acted always in his politics upon the fair conviction of his own mind, and with whom he had sometimes differed. He meant to say nothing invidious of that right hon. gent., who very probably had no prospect either of this or any other office of the kind, for the line of political conduct which he had thought it right to follow. But nobody could say, that he had ever done any particular service to the country which deserved this reward. He had never performed any service certainly, for which any one could have dreamt of conferring upon him a direct pension to the amount of the emoluments of the sinecure which was now in his possession. He did not think therefore, that both the mode of direct pension, and that of sinecures ought to be preserved. For the pensions would be given for services performed, and the sinecures would be granted, as hitherto, from favour. This method of granting direct pensions for services had become a very great source of expence, and yet there had been no reduction of the sinecures. There had been instances in which these offices had been applied to the necessary and commendable object of the reward of services, such as those which had been granted to lord chancellors. But as great inconvenience and irregularity arose from their not being vacant at such times as they were most wanted, the act of the 39th of the king had been introduced for granting direct pensions to chancellors, by which they became a charge on the nation, independent of the burthen of these offices which were afterwards granted as matters of mere favour.

These considerations had induced him to think that it would be much better to abolish these offices altogether, and to give his Majesty the power of granting pensions, to a limited amount, in lieu of the offices abolished—the power of giving the additional pensions always commencing with the fall of the sinecures. This was necessary in order to prevent the crown from having for a time the double power; and without this caution it would not be a measure of economy, in the first instance, but a measure of extravagance. What might be the saving on the whole by the abolition of these offices he was not at the moment prepared to state, but it had been calculated in the Report. This, however, was clear, he thought that, whatever might be the saving, it was important that these offices should be abolished for the reasons which he had already stated. There was another description of offices too which required the attention of the House, he meant those where the emolument was large beyond all proportion to the duty. It was proper that these should also be regulated, and that an allowance should be made in every instance proportioned to the services performed. There was a third class of offices more numerous that the former—he meant the offices which were executed by deputy. The object of his Resolutions would be with respect to them, to abolish what was sinecure, and retain what was necessary, reducing the emolument to that for which the duty was performed, with some increase in many cases, no doubt, on account of the increased responsibility.—The hon. gent. then read Resolutions conformable to what he had stated, concluding with this—"That a select Committee be appointed to examine to what offices the principle he had thrown out could be applied." Having read all the Resolutions, he proposed the first of them as an Amendment upon that which had been read from the chair. The substance was, "That it was expedient to abolish sinecures, except such as were connected with the personal service of his Majesty, or the royal family—to regulate other offices, and to reduce the salaries of such as were executed by deputy to the sum for which the service was performed, with an allowance for the additional responsibility —all to be done after the present interests in these offices had expired."

The *Chancellor of the Exchequer* observed, that whatever the House might think as to the propriety or impropriety of pledging itself as to the measures recommended by his hon. friend, all must agree, that the propositions were of the utmost importance in themselves, and required the most serious and deliberate examination. It was of importance to be cautious in adopting them, both on account of their effect upon the influence and interests of the crown, and in as much as they were of a novel nature. He could not complain that he was taken unprepared upon this subject; but he doubted whether the Committee would be prepared to decide at once upon matters of this importance, with such a very short warning. Resolutions had been proposed from both sides of the House last session, and a long debate had taken place upon them. The Resolutions had been printed; they had been long in the hands of members; and as both sets of Resolutions were similar in principle, gentlemen must have been pretty well aware of what they were to expect. But his hon. friend had, during the whole of that period, given no hint of his intention to propose any thing of this kind; and as the propositions were of so much importance in themselves, he hoped the Committee would not allow itself to be surprised into their adoption. But he could not agree, that the propositions if acceded to by the Committee would have any of the good effects which his hon. friend had anticipated, considering the way in which he proposed to accompany them; and yet, with that accompaniment, the Committee could not be aware what practical measure his hon. friend would proceed to found upon them if passed. The committee, of which his hon. friend had been chairman, had stated in their Report, that some offices ought to be abolished, and others regulated; and proposed, that some substitute should be found for these offices with a view of providing means to reward public services. It was then clear that there must be some substitute for these offices, and that substitute, his hon. friend had said, must be commensurate with the sinecures abolished (No, no)—commensurate with these offices, he understood (commencing with the fall of the offices)—commencing with the fall of the offices, was it? Well then, if the amount of the pensions were not to be commensurate with the value of the offices, there would be a reduction of the funds, out of which great services were to be rewarded. What was required of the Committee by his hon. friend, then, was this, that it should consent to abolish the funds which the crown had at present, without knowing how far any thing else was to be substituted, without knowing to what extent he would propose to grant the power of conferring direct pensions. It was proper to be perfectly aware whether his hon. friend meant to propose any diminution in the funds for the reward of services, because that might alter the argument completely; for if no reduction of the fund was intended to be made, then it would be for the House to consider whether, the question of economy being entirely out of the case, the change proposed by his hon. friend would be attended with the advantages he expected from it, whether it would serve to conciliate the people, to remove the complaints or satisfy the desire of the disaffected and discontented? It was necessary, therefore, that his hon. friend should explain himself distinctly on that point to the committee.—Mr. Burke, to whose opinions the finance committee had referred in its report, had said, that changes had a tendency rather to increase than diminish discontent; for people, he said, submitted with patience to old and established practices, if these practices were kept within correct bounds, when they would feel a new mode of bearing the same necessary burthen almost intolerable. Mr. Burke, too, had the subject of direct pensions and sinecures under his consideration, and all he said was, that upon the whole he rather preferred the mode of rewarding services by direct pensions. So his hon. friend said that it was the inclination of his mind, upon the whole, to prefer the method of direct pensions. It would appear from this, that he had not formed a decided opinion upon the question, but was rather inclined to think that upon the whole the mode of pension was preferable. But this would hardly be sufficient to induce the House to adopt measures of this importance, without having attentively and maturely weighed their tendency, and without having formed a decided opinion, that their adoption would answer some essentially good purpose. The House could not on such slight grounds as those which had been stated by his hon. friend, assent to this change, nor could it reasonably hope that such a change would have any effect in alleviating public burthens or removing discontent. What did Mr. Burke say on the subject? He said, that he would have no great objection to such a change, but that he did not think it prudent to propose it. He did not like to take away what answered the purpose, in the hopes that some substitute might possibly be found. Mr. Burke then, had refused to be the proposer of such a change, and had said, that instead of removing discontent, it would rather tend to increase it. The House would therefore do well to consider gravely before it gave into a proposition so new in itself, and so suddenly submitted to them for their decision. But his hon. friend had adverted to a grant of a sinecure place lately, which he contended was a most unexceptionable one, (a laugh, and hear, hear!)

that was his opinion. There was no law to prevent a grant of this nature being made to such a man as Mr. Yorke, who certainly had been some time in his majesty's service. He thought that the office was part of the patronage of the crown, and that his majesty was at perfect liberty to confer it upon any meritorious individual he pleased. His hon. friend had said, that the place might have been given to lord Wellington. He could not, in consistency with the ideas of his hon. friend, grant the office in reversion at any rate. But if it had become vacant at the time Mr. Yorke was in office, he did not known that there could have been any objection to his possessing it. His hon. friend had said, that he had no objection to the rewarding of long and faithful civil services. What then was the period of service which his honourable friend would think necessary to form a claim to these rewards? Till some other period was fixed, he might be allowed to suppose that the three years Mr. Yorke had been in office rendered him not an improper object of his majesty's bounty. How long would it be necessary for a man to expiate the demerit of not having been in office? He would ask the gentlemen on the other side, whether they would have it thought it wrong that Mr. Fox should have got a sinecure of this kind before he had been a year in office; though he had spent a long and laborious life in opposition? Independent of party feeling, he thought that the sinecure in question had been very properly disposed of. He hoped the House would see that this was a measure of too much importance to be adopted so lightly. His hon. friend said, that the sole ground on which he brought it forward was that of economy (No! no). Yes, of economy. He had indeed said, that the measure would conciliate the people, and remove discontent; but that he understood to be only through its efficacy, for the purposes of economy.—He did not understand that his hon. friend rested it at all upon the ground, that it was proper to diminish the influence of the crown; but conceived that he placed its great utility in its effects in point of economy. He perfectly agreed that every saving should be made that was consistent with the public service, that could be made without detriment to that service. But there the question arose, could this change take place without detriment to the public service? For his part, he thought that the attempt to cut off all these offices at one sweep was extremely dangerous. As to the influence of the crown, he still retained the sentiments he had before expressed—that the influence of the crown, upon the whole, had not increased, compared with the great increase of the popular branch of the legislature in wealth and influence, and power in the state. That was his opinion. As to the assertion, that the influence of the crown was increased by the national debt, he believed the very reverse to be the case. He felt himself bound therefore to oppose the amendment.

Mr. *Bankes* explained, that he certainly thought that less than the aggregate amount of the sinecures, in direct pensions, would answer the purpose of affording adequate means to reward public services. As to the charge of having taken the House by surprize, he said that an individual member could only propose his resolutions in his place—but the House was called upon at present merely to settle the principle. The substitute, &c. would be a matter for future consideration. But he should be extremely glad if the House would allow his resolutions to be printed, that they might consider them with all the care which had been bestowed on those of his right hon. friend.—He was sure his resolutions would gain by that.

The *Chancellor of the Exchequer* instantly assented that time should be given to print his hon. friend's resolutions. But he thought it ought to be understood, that the subject, if postponed at present, should not be debated this week; because, if they were to sit from night to night very late, they could hardly be equal to the exertions that would be required in the debate on the Walcheren inquiry.

Mr. *Whitbread* considered the accusation of surprise as perfectly unfounded. Some on the same side with the right hon. gent. had brought forward motions of the same kind, the member for Sussex particularly, which were at least liable to a similar objection. The opposition to the abolition came with a very ill grace from him—a great reversionist, and one who had sinecures from his infancy for no service whatever. He allowed that Mr. Yorke was a very honourable private character, but he had performed no public service that deserved such an annual sum, and nobody would ever have dared to propose such a thing for him in the shape of a direct pension. It was not only the inclination of of his mind, but his most decided opinion, that these sinecure offices should be abolished. As to the conferring of these places for public service, the right hon. gent. himself and Mr. Yorke were instances that this was a perfect delusion upon the public. He contended that though no great practical saving could be made, still even a sum might be saved not unworthy of attention. The reception of Mr. Yorke, by his former constituents, proved what the public thought of this grant. He went to them after vacating his seat, and they very properly refused to return him. Could the right hon. gent. state one instance in which a great public service had been rewarded with a sinecure? It had been found necessary to create provisions for chancellors by direct pensions. As to the crown, these offices, instead of being a source of strength, were only sources of weakness, especially now when they had become quite disgusting. It would most certainly conciliate the people to shew that attention was paid to the proper expenditure of their money. It would be less vexatious to their minds to pay a pound when convinced of its necessity and justness, than one penny with an idea that any part of it was to go to these sinecure men.—To illustrate the want of attention paid to economy, and the truth of the observation of lord Melville, (at one time first lord of admiralty) that two-thirds at least of our expenditure in the article of stores was misapplied; he cited the case of certain ships where stores had been laid in, on their sailing from the river for eight weeks, but in which on their arrival at the Nore, other stores were found to be necessary, those originally put on board having been made away with. Sinecures, the hon. member contended, were but an excrescence of the constitution. At the time the salaries annexed to these offices were granted, the offices were effective. It was, therefore, not so novel now to seek that they should be abolished, being non-affective, as to ask that they should convey, as it were, freehold rights to the sums in use to be paid for the performance of the duty annexed to them. It had been stated, however, by the right hon. gent. to whom he had before alluded (Mr. Yorke) that the fees of the office lately conferred on him did not come out of the pockets of the public, but arose from small fees on sums going into the exchequer. Were not all these, however, he begged to ask, sums collected from the people, and of course the per-centage on them an additional burthen on the public? It was beyond human patience that the people should be called on to endure insults of this kind. On these grounds he was of opinion that the House should that night come to a vote, on the resolutions now proposed for their adoption.

Mr. *Bankes* then proposed, that the matter should be postponed till to-morrow fortnight, the committee then to sit again.

The Chairman then reported progress, and obtained leave to sit again.

HOUSE OF COMMONS.

Tuesday, March 20.

[Offices in Reversion Bill.] Mr. *Bankes* rose to move for leave to bring in a bill, which the House had repeatedly shewn that it thought necessary, although another House of Parliament seemed of a very different opinion; he meant a bill to prevent the grant of Places and Pensions in Reversion. The bills which the House had already passed for this purpose had the misfortune to fail in the House of Lords, as well as another bill, which had originated in that House within the present session. Nevertheless, he thought the mode by which the House was most likely to carry its wishes ultimately into effect, was to shew that it was in earnest by using every means it might constitutionally adopt, without the appearance of pertinacity, to obtain final success in a measure so necessary to public economy, end so satisfactory, as it would be, to public feeling. He understood, that in the other House of Parliament it was not usual to entertain or discuss measures which were considered to encroach upon the privileges of the crown, without having his Majesty's assent expressed by his ministers to the discussion. He was not conversant with the proceedings of the other House of Parliament, but he could find no such principle in the proceeding of this House; and, notwithstanding that a bill of a similar nature had been lost this session in the other House which had originated there, still he thought their lordships would not be indisposed to receive another bill, having the same general object in view, but worded in a different manner; and instead of proposing, as in the former bills, to perpetuate the prohibition, to render it a bill of suspension of the prerogative from time to time. His own statement of his own case, drawn up by his own hand; the gallant admiral did so. The last statement given in was referred by us to the attorney and solicitor general; their opinion was in favour of the young man's claim. Gentlemen then, must see that it could be a question of no ordinary difficulty, when three counsel of such great professional authority differed upon its merits.—We did not think fit to decide upon it ourselves, not being all of us professional men. Some of us were, to be sure, more immediately connected with the navy as a profession than others of us were—we were not all lawyers, and therefore we thought it expedient to refer the case to legal opinion. A gallant admiral (Markham) has thrown out a broad insinuation, as if all the professional lords of the admiralty differed generally from the opinions of the first lord. The gallant admiral had even asked me if I could deny it? I do deny it; and this I take to be a sufficient answer to the question put to me by the gallant admiral.—The hon. gent. then proceeded to contend with great warmth that the admiralty were well disposed towards admiral Montague, and well inclined to grant him every favour they could. There was not a person at the board that did not feel so disposed towards the gallant admiral.

Mr. *Whitbread* said, that one would imagine from the great warmth the hon. gent. had displayed, that he differed all the time from those who supported the present motion. There had been no intention of charging the admiralty, with any hostility towards admiral Montague. The hon. gent. had told them that they were not all lawyers at the board of Admiralty. This certainly was comfortable intelligence in these times, when official departments were so over-run with lawyers: the first lord of the treasury a lawyer, the chancellor of the exchequer a lawyer, a secretary of state a lawyer, and the secretary of the admiralty a lawyer. There were lawyers enough in all conscience, though to those who were strangers to the peculiarity of the hon. gent.'s pronunciation, it might appear that he had rather singular notions of what was, and what was not professional, as that hon. gent. had spoke so much of *par*sons not being professional men [a laugh], though he (Mr. W.) believed that those reverend gentlemen were generally considered as such. The hon. gent. had entered into a warm defence, that was altogether unnecessary, of himself and the board of admiralty, no matter which, for the hon. gent. had done the board the honour of identifying them with himself. He spoke as big as the first lord of the admiralty might do, but certainly would not; and as if he had been himself at least one of the lords, it was nothing but "we did this," and "we ordered that"—our opinions, and our orders, our counsel, and what not. To be sure, the hon. gent. had some pretensions. He had not been idle since he came into office. He had been the means of converting a venerable old gentleman, for whom he (Mr. W.) had great respect, into a young and enterprising sea-officer, and major Cartwright, who was of his Majesty's army, was then, according to the hon. gent., a rising lieutenant of the royal navy; nor had the official exertions of the hon. gent. stopped with the living. He was resolved to be grateful to those who died in their country's service, and to promote them if he was to raise the dead for it.

Mr. *Croker* replied, that he was for a long time at a loss to make out what the hon. gent. meant by imputing to him language that had never fallen from him; but he now found that the object of the hon. gent. was to make a joke, and therefore he must forgive him, though the joke was not, after all, a very good one. At the same time he must request of that hon. gent. the next time he intended to make jokes, not to ground them upon misrepresentations of what had been said by him. —After some further conversation, sir C. Pole agreed to withdraw his motion for the present, on an understanding that the required accommodation would take place.

HOUSE OF LORDS.

Thursday, March 22.

[Troops on Foreign Service.] The Earl of *Darnley* rose, in pursuance of the observations he had previously made, on the subject of the great numbers of our military forces which had been sent abroad of late, on various expeditions. It was pretty confidently reported, that almost all the regular infantry were about to be sent out of the country; and that even a regiment of cavalry was sending to Spain or Portugal, which might speedily, in the event of re-embarkation, find it necessary to cut the throats of all the horses. He could not understand on what grounds an opposition to the motion he had to submit could be supported, as motions of a similar nature had not been negatived. It was, in his judgment, highly necessary to carry the motion, in order to shew the country what use the government had made of an immense military establishment, and in what situation they had now, by their improvidence, left the country. His lordship concluded by moving for accounts of all the regular infantry, cavalry, and artillery, sent out of the country on different expeditions from the 1st of Nov. last up to the present time.

The Earl of *Liverpool* was not averse to putting the House in possession of all material information on any important subject, except where the nature of the case was such as to render it impolitic, with reference to the interests of the country, to do so. He did not feel that any very serious danger could result from the production of the accounts moved for; but must still think, that on a general view of the subject, it would be impolitic to give information to the enemy of the number and distribution of our forces at home, and in different parts of the world. The expeditions which the noble earl so much disapproved of, had not been so planned or conducted as to neglect or impair the general security of the country, which had never been left out of consideration under all the particular circumstances of different periods. He felt it, on the whole, his duty to oppose the present motion.

Earl *Grey* contended, in defence of the motion, that it was by no means founded on any novel or unprecedented principle; and that it was necessary, in order to obtain a just view of that situation of our affairs into which the improvidence and misconduct of ministers had brought the country. Was there not sufficient ground for suspicion of the fitness of ministers to dispose of the forces of the nation, after the repeated calamities we had experienced? Could it be maintained that the House should not call upon those ministers who had so misused our best resources in money and in lives, and who were understood to he now sending out fresh armaments on plans equally useless and wasteful—ought not the House to demand information from such ministers, as to the actual state of our army at home, in order to see the full extent of our evils, and the possible danger to which a career of errors might subject us? The motion might appear to ministers dangerous to themselves. If he imagined it dangerous to the country, he would not support it; but he thought it calculated to produce to the country beneficial information, and should therefore give it his vote.

On the question being put, the House divided, when there appeared, non content 38, content 28, Majority against the motion 10.

[EXCHANGE OF PRISONERS OF WAR.] Lord *Holland* stated the strong impressions made on his mind, when he first saw the accusation preferred against our government by the government of France, that we had refused to enter into a negociation for the exchange of prisoners. This was a charge which, even with the decided opinion he entertained of the views and conduct of ministers (and a worse opinion of their administration than he had, no man entertained), he could not bring himself to believe founded in fact. He lamented deeply the melancholy circumstances that had of late attended the progress of the war, which had assumed features so much worse than we had been accustomed to see in modern times, in the conflicts of civilized nations. He had certainly been willing to believe, and he had thought without undue prejudice, that the departure from civilized practices, which had so strongly marked recent hostilities, particularly in the case of prisoners of war, was more owing to the conduct of the enemy than to that of our own government, as he was too well aware of the entire indifference manifested by the emperor of France, to subjects of this nature. The first notice of this matter that came before him was in the Moniteur. It might therefore be looked upon by him merely as the unofficial and anonymous observation of the editor of the Moniteur, whoever that person might be. But when, after some lapse of time his lordship found that it remained uncontradicted on the part of the government of this country, he could not but give it a greater degree of attention. And still farther, even though it bore no official appearance, yet when he knew the subdued and degraded state of the press, which was among the number of the heavy calamities which the establishment of an absolute despotism had brought upon that country, he could not but be convinced that no editor of the Moniteur could have ventured upon the insertion of such an article contrary to the wishes of the French government, or probably without its authority. From this circumstance, therefore, he felt himself bound to consider it as a serious accusation. But whatever doubts he might have indulged in at first were entirely removed by a repetition of the charge, not in an unauthorised paragraph, but in a public official document signed by the French minister of foreign affairs, and addressed to Baron de Roell, minister of foreign affairs in Holland. It was contained in a long and in many parts a sufficiently disgusting paper, from which his lordship read the passage to which he had referred, and which runs thus .—"His Imperial Majesty wished for peace "with England. He made advances to-"wards it at Tilsit; they did not suceeed. "Those which he adopted in concert with "his ally, the emperor of Russia, at "Erfurt, were equally unsuccessful. The "war will therefore be long, since all the "attempts that were made to obtain it have "failed. The proposal even to send com-"missioners to Morlaix, to treat for the ex-"change of prisoners, although suggested "by England, miscarried, when it was per-"ceived that it might lead to an accommo-"dation." The date of this paper was Paris, the 24th of Jan. 1810. Thus the accusation was made and published to all Europe by the French government, that we had shut our eyes on the sufferings of our own countrymen, prisoners of war, and refused even to enter upon a negociation for the purpose of establishing a cartel.—His lordship then took a view of the circumstances that had led to this melancholy state of warfare, which he considered to arise from the pretentions set up by the French government in four instances. The first of them was founded upon an act of its own, which, to say the very least he could say of it, was an act of the most useless violence that could be committed, with a view to the attaining of any great object in the war, or in the question of exchange of prisoners. He meant the seizing upon British subjects, who, at the breaking out of hostilities the last time, were travellers in France. These unfortunate persons the Government of this country had refused to recognize as lawful prisoners of war. There was a second pretension advanced by France respecting the particular cases of a number of seamen.—A third pretension was founded on the capitulation of a certain number of French soldiers taken in St. Domingo, who, by the terms of that capitulation, were to be conveyed to Europe. Now the French government had contended, that by Europe was meant France, and thence inferred, that those persons were not prisoners of war, and not subject to the usual mode of exchange. There was a fourth difficulty arising out of the case of the electorate of Hanover. At the beginning of the war it was well known that a considerable number of Hanoverian troops had been compelled to lay down their arms; a number which the French government made to amount to no less than 21,000. Of these, a part had since then entered into the service of his Britannic Majesty; but the French government pretended to consider the whole in the light of prisoners of war. These pretensions had been hitherto considered inadmissible; and it was true that the French government had said nothing in the papers he had referred to, of the terms they had now to propose, but, he must observe, that though they said nothing that was decisive, they did say distinctly that they were willing to send commissioners to Morlaix to meet other commissioners on our part, to enter into an arrangement for negociating an exchange of prisoners. But they go farther, and charge upon England the refusal or the evading of this proposition; and they ascribe to the English government a motive for doing so; namely, their perceiving "that it might lead to an accommodation!" Why, his lordship asked, if the facts were correctly stated (for the motives ascribed he could not bring himself to impute even to the present ministers)—why was the proposition eluded? He perceived, by the French papers, that this matter occurred three months ago. He thought that constituted a very good reason for enquiry, for he could not conceive that such a negociation could be still pending, especially after what had been stated by the French minister in a public document. So much time might be wanted in an intricate negociation; but to the proposal to commence a negociation on such a subject, or whether or not we should send commissioners to treat, could not require such a length of time.—The noble lord commented in animated terms on the mischiefs of this alarming departure from the usages of modern times among civilized nations, which tended to excite all the bad passions, and to restore Europe to a state of barbarism. No condition could be more gloomy or heart breaking, than that of an enterprising young man shut out from all the honourable avocations of life, languishing, not perhaps in a dungeon, but in the country of the enemy, with no hope before him of any chance of obtaining the distinctions and advantages which arise from the persuit of the honourable and glorious professions of the navy and the army! Nor was that all; we were to consider the effects produced on the minds of the various relations and connections at home of those unfortunate sufferers, and whose feelings were, from time to time, cruelly sported with! He could assure their lordships, that scarcely a day had occurred since he first mentioned the subject in that house, that he had not received two or three letters from the relations of prisoners in France, which contained charges against our government, as having been, since the proposition alluded to, blameable in a greater degree than the hostile government for the continuance of the imprisonment of their relations. They stated this to be a feeling among their relations in detention, made known to them by communications they contrived to receive from France. There were other matters of consideration to be found exclusive of these, when we reflected on the consequences that might ensue from the length of banishment from their own country, in the views and feelings of the individuals. He felt it therefore in all respects of great importance to know from his Majesty's ministers what was the real state of the case, and whether the accusation of the French government against them was or was not well founded. If to the unfortunate failures in our Spanish campaign; if to the ruin of Spain, in as noble a cause as could engage a nation—a ruin partly owing to the improper views of our feeble and jarring counsels; if to the calamities and disgraces of Walcheren, we were now to add the ignominy of refusing to negociate a cartel, he must say, that nothing could be more foul, disgraceful, and destructive than the conduct of administration. His lordship concluded by moving for copies of all communications that had been made from France, on the subject of negociating an Exchange of Prisoners, &c. and of all communications to the transport board, since the 1st of Sept. 1809, &c.

Lord *Mulgrave* said, that the French Moniteur might not have fallen in his way when this subject was first noticed; but if he had seen it, he should not have thought it becoming the dignity of his Majesty's government to take any notice of an anonymous passage in a French news-paper; and he did not think it befitting their lordships to enter upon discussions on such a foundation. As for the letter of the French minister to the Dutch minister, it was not an official paper, addressed to any person in or under this government, and did not call for our public and official notice. After several observations, shewing that no necessity existed for our making any declaration in consequence of such assertions, the noble lord proceeded to state his objections to the motion, which he conceived might do mischief, but could produce no advantages. The expectation of an exchange, his lordship, stated, was not at an end. The motion might, if carried, be prejudicial to those very individuals whose interest it professed to serve; it might interfere with the object desired, and in no point of view could be advantageous to the public interests.

The Marquis of *Lansdowne* contended that his noble friend was justified in drawing the conclusion he had done. The charge of having neglected to reply to a proposal made last year, was prefaced in a state paper issuing from the French government, and remained uncontradicted by ministers. Would the noble baron declare, that no proposal to the effect stated in that document, was tendered? He had dwelt much upon the necessity of withholding information pending negociation, and studiously avoided giving a plain answer to a plain question. With respect to trammelling the negociation, he was persuaded nothing was further from his noble friend's thoughts, and he could not see what embarrassment could possibly arise to it from acceding to the motion. All that his noble friend wished to obtain, was a knowledge of the nature of the communication, and of the manner and time of its reception.

The Earl of *Liverpool* thought that the speech of his noble friend was perfectly satisfactory. In all the proposals on the subject of an exchange of prisoners, that had been made from France, since the Revolution, there had been manifest injustice. The enemy always set out on a basis totally inconsistent with the principles recognised by all nations; and it was only by tedious and difficult negociation, that they could be prevailed upon to depart fromthem. With respect to the charge preferred by the noble marquis, that a plain answer had been refused to a plain question, his noble friend felt it his duty to oppose the papers moved for, because they tended to take the negociation out of the regular channel. Their lordships would not fail to perceive the very great disadvantage, nay the absolute mischief that was likely to arise from discussing this subject while it was under consideration elsewhere. He would admit that there were various communications on this very subject, during the period alluded to.—The noble baron did not appear to understand the nature of the proposals which he supposed to have been made. If he did he would know, that it was possible the proposed basis of negociation might be so unjust as to render it inadmissible, at the very outset; or that it might be so objectionable in parts as to render previous explanation necessary. He considered the motion to be both very ill judged, and injurious in its consequences, if granted. It would have the effect of embarrassing, instead of facilitating the negociation. It would commit government on points of great delicacy, and would not attain the end proposed.

Lord *Grenville* could not consider the explanation given by the noble baron or the noble earl who spoke last, as any way satisfactory. It was deficient in frankness and candour. There was something behind, something concealed in it. We were now for the second time involved in a war, which it seemed was to be carried on, as far as depended on the determination of ministers, in horrible violation of the usual courtesies of that dreadful state. What had been the proud boast of this country up to this day? That it did on all occasions every thing to suspend the cruelty of war: that no opportunity was neglected to try to bring it back to the semblance of what it was in former times. This was the state to which it seemed his Majesty's ministers were averse to bring the contest between us and France. In the year 1797, a charge appeared in a French paper, respecting the improper treatment of the prisoners in this country. What was the conduct of that great man (Mr. Pitt) whose name was so often quoted on the other side, on that occasion? He proposed that the charge should be submitted to a Committee of the other House; not that he or any person in this country could entertain a doubt of the falsehood of the accusation, but for the purpose of satisfying all Europe by a Report and Resolution of parliament, that it was wholly unfounded. That Resolution was adopted by the House, and an Address was voted to his Majesty, praying him to take the necessary steps to communicate a positive denial of the accusation to all the princes and potentates with whom he was in friendship and alliance. How did the government now stand? Here was a solemn charge, made in a paper coming from one of the highest official authorities in France, which charge was suffered to spread throughout Europe, unrefuted and uncontradicted. Instead of disavowing an imputation so unworthy of the national character, and so contrary to its practice in other periods, the person most interested rose with a levity ill-suited to the occasion, and eluded the charge, instead of meeting it fairly. The explanation of the noble earl was not less equivocal and evasive. They came to their lordships with the stale and hacknied pretence that any information on the subject would be productive of disadvantage. The noble baron and his colleagues might elude the motion for the present, but the information sought for must be disclosed, and if it was of the nature asserted, and that he had reason to expect, he hoped the vengeance of parliament would follow. A charge highly injurious to the humanity of the British government had been made, and not repelled, as it ought to have been. He hoped the motion would be agreed to.

Earl *Grey* could not conceive why the noble lords on the other side should hesitate to give a direct answer to the question so often proposed. Did it proceed from a consciousness that they could not answer it in a way that would acquit them of the imputation in the Moniteur? Instead of meeting it fairly, they sheltered themselves under the stale, old generalities of a pending negociation. And yet even on this point they could not speak out. What prevented the noble lord from stating whether equitable propositions had been made by the French government, and whether they had been entertained? This surely might be done without prejudice to the negociation. The noble earl here read the Resolutions of the Committee of 1797, to justify the interference of parliament. Hitherto he knew it was always the wish of government to obtain a reasonable principle of adjustment respecting the exchange of prisoners, which was always resisted by the enemy. But it was possible that this unjust pretension of the enemy might either be abandoned from imperious reasons, or removed from motives of policy. He had, however, a proposal to make, which would put the sincerity of ministers to the test. Let ministers either agree to the appointment of a Secret Committee, as in 1797, or consent to lay before their lordships the dates when these propositions were received, and the answers returned. If they would consent to either of these proposals, he would recommend to his noble friend to withdraw his motion.

Lord *Mulgrave* would not accept the alternative offered by the noble earl. He would never consent to take the negotiation out of the constitutional channel, and put it in the hands of a committee of that House. In answer, however, to the question so often put by the noble baron and his friends, he would state, that no propositions for the nomination of commissioners to repair to Morlaix, to negociate an exchange of prisoners of war, had been made by the French government, or refused by his Majesty's ministers.

Lord *Holland* was not yet satisfied with the noble baron's answer. Would he consent to lay the dates of the negociation before parliament? These, surely, could not disclose any thing that might, by possibility, prejudice the negociation. They might, indeed, disclose the culpable neglect of one of his Majesty's ministers. The manner in which the proposition was received, convinced him that there was serious ground for the charge in the French papers. He had another proposal to make. He would agree to withdraw his motion, if ministers would consent to an Address to his Majesty, praying him to order to be laid before the House the copies of any communications from the French government relating to the exchange of prisoners of war, since September 1809, together with the dates of the answers thereto.

Lord Mulgrave having declined this proposal, the House divided. For the motion 27; against it 39; majority 12. On the re-admission of strangers,

Earl *Spencer* was speaking in favour of lord Holland's motion for an Address to his Majesty, praying for the dates of those papers. He contended that communicating the dates could not be attended with any inconvenience, but that it might convey most important information to that House.

The Earl of *Essex* also supported the motion. He could not see any inconvenience in such production; and he thought if there was a delicacy on the other side upon the subject, it was rather a delicacy to themselves than a delicacy to the country.

Lord *Mulgrave* resisted the communication of the dates, which he thought would lead to no useful purpose. He did not see how any motion could be grounded upon the dates, even if they were before the House; and under the present circumstance, he did not think it would be right to grant them.

Lord *Holland* said, that the dates might be in themselves of great importance. For example, if on the production of the dates, it should appear that an overture from the French government was for a long time unattended to, this circumstance might be sufficient to ground a motion on, even although the papers were not previously wanted.

Lord *King* said, he would wish to put it fairly to the sincerity of ministers, whether they intended, when the negociation was at an end, to produce the papers as well as the dates.

No answer was given from the Ministerial side.

The Earl of *Derby* said, that the country could never be satisfied if the question was evaded. He believed that it would appear to the gentlemen below the bar—(a loud cry of Order, order!) On the noble lord repeating the expression,

Lord *Morton* moved that the House should be cleared. Strangers consequently were ordered to withdraw. We understand that afterwards the motion for dates was negatived by a majority of 37 to 29.

HOUSE OF COMMONS.

Thursday, March 22.

[VOTE OF THANKS TO SIR ROBERT WILSON.] Mr. *Hutchinson* began by observing, that after the angry and hostile discussions which had occupied a great portion of the present session, it was with much satisfaction that he rose to address them on a subject, upon the main point of which there was not likely to occur any difference of opinion; for he felt confident that there would exist but one, within and without their walls, as to the merit of the gallant officer, and the small corps, whose services it had fallen to his lot to submit to the consideration of the House. There were two questions of which he begged gentlemen, on the present occasion, if possible, to divest their minds:—the one, the perilous situation of Spain and Portugal at this moment; the other, the wisdom or impolicy of having at all (or in the manner in which we have) interfered in the war in these countries. We are not to undervalue the importance of military services achieved in the Peninsula, from their having failed in rescuing it from the grasp of the enemy—that is, from their not having succeeded in accomplishing that which no rational, certainly no military, mind could have expected from such means. Neither are we to consider ourselves as pledged to approve the principle of the war, because we confer the distinguished honour of the approbation of this House upon the troops employed in that service. There was nothing further from his intention than to depreciate, by invidious comparison, the merit of any officer, however humble or elevated his rank. He had long been greatly anxious to find this country disposed at last to make what might be considered a fair military exertion—such as, he was sorry to say, he could not agree had been attempted, even since the commencement of the war in 1793. With this feeling, he had been desirous to see at the head of the country, a government both willing and capable of calling forth and directing such energies. With whatever jealousy he should feel it to be his duty towards any government narrowly to examine into the policy of all such Expeditions, their objects, and the means employed to effect them, and certainly never more disposed to scrutinize than at the present moment; still entertaining a small esteem and regard for the profession of arms; estimating highly the zeal and value of our troops in both services; recollecting that they seldom or ever fail to accomplish their part in the most brilliant manner; being also ready to make due allowance for the embarrassments under which government plan and direct such operations—with this disposition, he had come to the consideration of such questions, but with the most anxious wish to applaud and reward. As to the present one, he hoped it will be decided solely by its own merits.—Sir Robert Wilson having arrived at Oporto in September, 1808, was enabled, by the December following, to raise, arm, and discipline a corps, called the Royal Lusitanian Legion, with which he took the field within the short space of three months, having previously obtained, for his zeal, alacrity, and talent in organizing this corps, and for his earnestness in the public cause, the confidence and approbation of the government of Oporto. In December, being apprized of the defeats which the different Spanish armies had sustained, and of the alarm which very generally pervaded Spain and Portugal, he decided upon advancing towards the frontier, and having crossed the Daneo, took up a position in the province of Salamanca, where the enemy shortly arrived with a corps, which at last amounted to about 12,000 men, and which, at all times, was more than double the force of sir R. Wilson, whose corps never exceeded 3,000. Without entering into a detail of operations in this quarter, one cannot avoid admiring the boldness and judgment with which this forward movement was conceived and executed. The ever to be lamented sir John Moore had but recently sealed by his death his victory at Corunna; his brave troops had already reached the shores of Britain. The few scattered English regiments which remained in Portugal, had hastily been concentrated at Lisbon, expecting hourly to be obliged to abandon the country, at the distance of nearly 200 miles from sir R. Wilson, whose fate they awaited with the utmost anxiety, and whose daring conduct they could not but view with admiration. It was at a moment thus critical and appalling, that he came to the decision of affording a signal example of undaunted firmness to the Portuguese and Spanish nations, and at the most imminent risk interposed his small corps to the further progress of the enemy in that quarter; when, by a most judicious disposition of his troops, he was enabled effectually to deceive the enemy as to his great inferiority of numbers, and by frequent well-timed, continued sallies, as by the most gallant defence of posts, he kept him much on the alert—foiled his projects—withheld a part of a province abundant in resources, and kept open the communication between the northern and southern provinces of Spain. At the latter end of April, gen. Laplisse, who commanded the French corps in Salamanca, having moved upon the Aguida, in order to combine a movement with Marshal Soult, at that time advancing in another direction upon Oporto, was driven by sir Robert Wilson from the bridge St. Tipics, on that river, which he had occupied, as opening his march into Portugal. It happened, however, that this general, shortly after, abandoned his original plan of moving on Oporto, and proceeded to the southward to join Marshal Victor.

During his progress, he was pursued and harrassed by the legion with some loss; but the junction with Victor was effected. Sir Robert Wilson now received orders to join lord Wellington, which he did, having first placed his corps in a very strong position at Alcantara. And it is but justice to the corps to mention, in passing, that, commanded by colonel Maine, in the absence of sir Robert Wilson, it gallantly and successfully defended itself when attacked at Alcantara, by a very superior force under Marshal Victor—for this spirited conduct, colonel Maine and the corps received the thanks of Marshal Beresford. (Here the honourable gentlemen read the thanks from the Gazette.) Having joined lord Wellington, sir Robert Wilson was entrusted with the command of the van of Marshal Beresford's army, and although that part of the allied army had not an opportunity of coming up with the enemy, he received the thanks of the marshal for the manner in which he had conducted the advance. Upon the expulsion of Soult, sir R. Wilson again reassumed the command of his legion, and, with the rank and emolument of brigadier-general, composed the advance to lord Wellington's army on his march to Talavera. Here he should merely state, that at one moment of that advance, sir R. Wilson was within three leagues of Madrid, having had frequent skirmishes with the enemy, who by their own dispatches, appear to have been considerably alarmed by the movements of this corps. (Here the honourable gentleman read several passages from the Moniteur, to the above effect.) From this point he was recalled, in consequence of the expected battle of Talavera, and by forced marches he was enabled, early in the action, to take up a position in the rear of the enemy—a position of considerable risk to himself, as the whole of the French force intervened between his small corps and the allied army; but one from which he could have considerably annoyed them, had they retreated in that direction. Afterwards, by a movement along the enemy's right flank during the night, he succeeded in joining lord Wellington early in the morning of the following day. Gentlemen are aware that, by his lordship's dispatch, it appears that the enemy did not retire from the position which he had occupied after the battle of Talavera, till towards the end of the second day after the action, and his retrograde movement then may be attributed to a manœuvre ordered by lord Wellington, and undertaken by sir R. Wilson at the head of his corps, by which in a masterly manner, he threatened the enemy's flank, as apears from the French accounts—(which the honourable gentleman here cited from the Moniteur). The importance to the allied army of this retrograde movement, on the part of the enemy, needs no comment. Immediately after, lord Wellington having retired from Talavera, in the hope of destroying Soult's corps, in which expectation he was disappointed by the advance of the French army under Joseph Buonaparté, sir R. Wilson being again separated from the allied army, and compelled to make a circuitous retreat through a difficult country, fell in with (in the passes of Banos) one of the French divisions, where, though ultimately defeated, he very gallantly disputed the passage of the enemy for several hours. The best commendation of the conduct of his corps, and of his own personal exertions in that action, will be found in the enemy's report of that affair. (Here the hon. gent. read the account of the battle of Banos, as given by the enemy, the duke of Elchingen.) This action it is material to observe, sir R. Wilson might have avoided, for he had already passed the road by which the French had to advance, and being apprized of his approach in this quarter, he retraced his steps, and interposed himself to the march of this corps. In this conduct the House will discover the same mind which actuated sir R. Wilson during the whole of his operations in the province of Salamanca. We knew he had not the means of giving effectual resistance to the enemy, but he felt also that he could embarrass and retard him. That some estimation may be formed of the importance of the general services of this officer, he begged leave to state, that the government of Oporto made him a very liberal offer of a pension of 1,000*l.* a year, which, with great propriety, he declined, and of this circumstance the late secretary of state is fully apprized. By his advance upon Almeida and Rodrigo, he rescued stores and property to a considerable amount; and by his advanced position, contributed to prevent the speedy evacuation of Portugal. He (Mr. H.) had thus, with as much brevity as the nature of the subject would admit, put the House in possession of the services of this gallant officer and his corps. They have already received the unqualified approbation both of the Spanish and Portuguese governments, as also of our ministers, both in the Peninsula and at home; and he begged leave to add, as a most flattering and decisive proof of their merits, that it has fallen to their lot to make prisoners of French officers, upon whom had been conferred brevets of the legion of honour, for their conduct against sir R. Wilson and his corps.—I hope, said Mr. Hutchinson, I shall not be told, that there is no precedent for what I ask. I answer that the times require we should make one. Why have you thanked for the victories of Vimiera, Corunna, and Talavera? Not because they beat down the power of France, or rescued your allies from her grasp. Neither did you send forth these small corps comparatively to the force with which they had ultimately to contend, most inadequate, with the hope of expectation that they could have restored the balance of power, or driven France within her proper limits. It was for the example that you sent forth your chosen few. Sir R. Wilson felt this, and admirably well acted up to your own principles. I have not called the attention of the House to the services of an officer young in campaigning, or inexperienced in the toils and perils of war; for though yet young, sir R. Wilson has passed seventeen years in almost constant, certainly very active and distinguished service, which he has ever ardently sought, even in the most distant and unfriendly climes. I entertain no prejudice; I join in none of the vulgar calumnies against the great ruler of the French nation, who I consider as the greatest statesman, and the ablest general of ancient or modern times; and I highly esteem the nation at whose head he has had the good fortune to be placed. I make this declaration, in the hope that the opinion which I am about to give may not be ascribed to that besotted illiberality, unfortunately too prevalent. I have little doubt, then, that should it please providence to continue Buonaparté a few years longer, in the possession of that power which he has hitherto wielded, but to the destruction of his enemies, and which power is every hour increasing in a most alarming degree, we shall have to contend with him for our very existence as a nation. I am therefore convinced that it is our first duty, and consistent with our best interests, to cherish and encourage, nay, studiously to seek out talent and military enthusiasm, wherever they shall manifest themselves. With this impression deeply engraven on my mind, I feel it to be my duty, not more towards the gallant officer than to the empire, to make the statement with which I at present trouble the House, and which, when gentlemen recollect the times in which they live, will, I trust, not be considered inopportune.—Mr. Hutchinson then concluded with moving "That sir R. Wilson and the troops under his command, by their advance into Spain, in December 1808, at a moment of great peril and alarm; by their resolute perseverance in remaining in presence of a very superior force until the month of May following, and subsequently while forming a part of the British army in which sir R. Wilson served as brigadier general under the command of viscount Wellington, having hereby rendered important and distinguished services; Resolved, that such services have merited and do hereby receive the thanks of this House, and that Mr. Speaker be requested to communicate this resolution to brigadier general sir R. Wilson accordingly."

The *Chancellor of the Exchequer* expressed a most anxious wish that the honourable gentleman would see the propriety of withdrawing his present motion; that gentleman had himself confessed in the course of his speech, that the measure was altogether unprecedented. He was afraid that that objection was in itself insurmountable. The merits of sir R. Wilson's services could not for a moment be disputed; as far as they went they were deserving of every encomium, as evincing, in no ordinary degree, zeal, skill, enterprize, conduct, vigour, promptness, valour, perseverance, and, in short, every military excellence; and would the hon. gent. put the House under the unpleasant and distressing necessity of putting a negative upon a vote of thanks to so meritorious an officer? Great as the services were in themselves, he was apprehensive that their scale was such as to debar them from the honour proposed. Of all the successes in Spain, Talavera was the only one which was thought worthy of the distinction of the thanks of that House, and even with respect to that splendid service, there had been a difference of opinion with respect to the justice of its claims. He trusted that the hon. gent. would be prevailed on to withdraw his motion, otherwise he would be reluctantly compelled to give his vote in the negative.

Mr. *Canning* said, that the general practice of the House precluded the possibility of admitting the present motion. It could be proved from many instances, that the splendour of the service was not enough, unless it came within a certain description of service. The eminent services of the cavalry preceding the battle of Corunna, were not thought worthy of that distinction, because they could not be recognized as having been engaged in the battle itself. The passing of the Douro was another very brilliant achievement, which, however, did not come within the precise description of service that called for the thanks of parliament, and a gallant officer still bore the painful but honourable marks of his personal bravery in that action. He need scarcely add that he meant general Paget. There had been an out-of-doors notion, as if there had been in any quarter a wish to undervalue the services of sir R. Wilson—this was altogether a mistaken notion; the words of lord Wellington in his dispatches, where he calls that officer "an able partizan," had been complained of; but the word partizan had not been made use of as a term of reproof, it was merely in a co-operative sense. He trusted the motion would be withdrawn.

General *Tarleton* agreed that the services of sir R. Wilson were highly meritorious, and had been extremely useful to the country. They had been more instrumental, he was satisfied, in producing the retreat of the enemy than any other services which had been rendered. There were reasons, however, that made it difficult to pass a vote of thanks of that House for services of the description now alluded to, and withdrawing the motion, he thought, would be the handsomest mode of proceeding, after the declaration which had come from all sides, as to the merits of the gallant officer. The term partizan, he contended, was not one of disrespect. It implied a general in miniature, who, from being at the head of all his own services, was most likely to acquire a general knowledge. He agreed with sir W. Erskine that this was the best field in which to train a general. He was satisfied that sir R. Wilson would not be long in rendering additional services to the country, and that he would be one of the first to receive the thanks of the House.

Lord *Castlereagh* was of opinion, the services of sir R. Wilson in Spain and Portugal, had proved corroborations of his military character. He could not see, however, on what ground the House was to get the better of its general and established rule in such cases, or how it could depart from it usual course. The services alluded to were not of that description for which the House had been accustomed to vote its thanks. There was, however, another reason why, he conceived, the House could not agree to the motion; he was not an officer in our service, but in that of the Portuguese government at the time, and he was not aware that a British parliament had ever thought itself entitled to vote thanks to a subject of this country who was employed in the service of a foreign state. There could, he confessed, be but one opinion as to the services of sir R. Wilson, and the zeal displayed by him on the occasion referred to. He had also the additional merit of forming a corps, which in the particular circumstances of Portugal, might greatly contribute to the service of the country. He was convinced, however, that the gallant officer would be the last person to feel gratified by the House departing, where he was concerned, from its usual practice. He trusted the hon. member would withdraw his motion, satisfied, as he must be, that on the merits of sir R. Wilson there could be but one feeling in the House.

Sir *James Hall* said, to his mind the circumstance touched on by the noble lord, as an additional reason for not concurring in the present motion, arising from sir R. Wilson's not being actually in the service of this country at the time, operated the other way. It might be an apology for a departure from the usual forms of the House. Such a proceeding might have the effect of rousing the spirits of men from whom much might be expected. If the hon. mover chose to persevere, he should, at least, not stand single.

Mr. *Hutchinson* felt gratified at the declarations made on all hands, as to the merits of his gallant friend. As, therefore, he could not get the House to go with him all the length he wished, he was content to take what he could get, and should, therefore, agree to withdraw his motion.

[Treasurer of the Post Office in Ireland.] Sir *John Newport* brought forward a motion founded on the 9th Report of the commissioners for inquiry into offices in Ireland, as to the superannuation of the late treasurer of the post office in

Ireland on his full salary, after having held the office for eight years, during no part of which time had he discharged any of the duties of it. This the report stated to be a violation of the rule laid down by the Irish House of Commons, limiting the services of persons superannuated with their full salaries to those who had served 25 years; and the hon. baronet concluded by moving, That the late treasurer of the post office in Ireland, had no fair claim to such superannuation; that the allowing him to retire on his full salary, was a departure from the salutary rules laid down by parliament, and a dereliction of the principles of economy to which they were pledged.

Mr. ***W. Pole*** argued that this office had been a sinecure, and was abolished, as was usual in such cases, with the full salary, an efficient office being substituted in its stead. This therefore was not in the nature of a superannuation. He concluded by moving the previous question.

The motion of sir J. Newport was supported by Mr. Whitbread, sir S. Romilly, Mr. Grattan, Mr. P. Moore, Mr. Giles, Mr. M. Fitzgerald, Mr. Barham, &c. And the previous question by the Chancellor of the Exchequer, Mr. R. Dundas, and the Solicitor General, &c.

On a division the numbers were:

For the previous question . . . 52
For the original motion 31
Majority—21

HOUSE OF COMMONS.

Friday, March 23.

[Lincoln's Inn Benchers — Mr. Farquharson's Petition.] Mr. *Sheridan* rose to address the House upon a subject which he felt to be of essential importance to the community. He had deferred it until he had been enabled to come forward with materials so strong that——

Mr. *Windham* interrupted the right hon. gent. There was an order of that House, which could not be enforced at any time with more propriety than the present. The motion of the right hon. member had, he understood, for its objects some considerations connected with persons present, though not in the lower part of that House. He probably intended to compliment them; but as it was not the custom to drink the chairman's health until he had withdrawn, he would recommend that a similar movement should take place among those gentlemen.

Mr. *Sheridan* was surprized at the total opposition of the right hon. member's conduct, to even his own ideas of order. Nothing could be more disorderly than to enter into an argument, to prove the value of the standing order, at the moment when he professed that no argument was necessary.

The *Speaker* was of opinion that there should be no interruption of the right hon. gent. who commenced the debate, unless there was a fair proof of disorder, on a motion to be made.

Mr. *Windham*. Sir, I have a motion to make.

Mr. *Sheridan*. Sir, I have also a motion to make, and the right hon. gent.'s motion will probably come with more advantage after mine has been disposed of. I am in possession of the Chair; I have interrupted no order of the House; it is the interruption that is disorderly.

The *Speaker*. I apprehend that no interruption can be allowed, except on occasion of a breach of order, or to move one of the standing orders of the House. On that to which the allusion has been made there can be no debate.

Mr. *Windham* then moved that strangers should be excluded, and the gallery was cleared.

We have however been favoured, with the following sketch of the debate which ensued.

Mr. *Sheridan* said, of all the people in that House he least expected the enforcement of the standing order, for the exclusion of the public, from the right hon. gent. who had come forward on this occasion. He expected he would have eagerly seized this opportunity to recant the false doctrines which he had formerly so unguardedly uttered, and become a convert to the true faith of the freedom of the press. He expected this candid and conciliatory proceeding, particularly as the right hon. gent. had been so very zealous in the correction of his speeches, so very anxious as to the stress of his emphasis, and the modulation of his voice, and so studiously inquisitive as to the happiest attitudes for giving his sentiments a pantomimic effect. He was led, indeed, still more strongly into this expectation, which had been so fatally disappointed, from the information that he had made amicable advances to Mr. Cobbett, and entered into a fair treaty of conciliation. These hints he merely threw out for the consideration of the right hon. gent. Mr. Sheridan then professed his intention of not troubling the House at any length, which indeed could hardly be necessary, after the observations he had made respecting the subject of his present motion on a former night. He could assure his right hon. friend, (Mr. Windham,) that he should not indulge himself, in any declamatory invectives against the honourable benchers of Lincoln's Inn, or any glowing panegyrics on the gentlemen who had just left the gallery. The case that he wished to bring before the House was one which seemed to him well to deserve the interposition of parliament; yet he should have been better pleased to have obtained his object, as he expected to have done, by the voluntary act of the honourable benchers, of whose bye-law he complained. He understood that the law was made unadvisedly, on a sudden application to them after dinner, when but a few benchers were present, and he believed that even those who made it were well disposed to repeal it, on further consideration of the subject. He knew that out of term they could not, in the regular course of their proceedings, meet for the purpose, but the matter in his opinion was weighty and urgent enough to call for an extraordinary meeting. At all events, he could not reconcile himself to any further delay in submitting it to the consideration of the House. The bye-law, which had been placarded by the order of the benchers in the common hall of the society, where the court of chancery sits, proscribed a whole class of men, and fixed a stigma upon them, by declaring them to be unworthy of being admitted into an honourable profession. It was declared, that no man who had ever written in a newspaper for hire, should be allowed to perform his preparatory exercises, in order to his admission to the bar. If such a rule had formerly prevailed, it would have excluded from the bar many men who had been ornaments to their profession, and distinguished members of that House. He had a long list of such characters in his hand, but would not read it, lest it should seem indelicate or invidious; since the benchers of Lincoln's Inn, it seems, thought the cause disreputable, though in his own eyes it was the reverse. He might, however, without any danger of exciting any contemptuous feelings in the mind of his right hon. friend, (Mr. Windham) mention a man whom he rather more than idolized, Dr. Johnson, as one who had written for periodical publications for hire, and had even written parliamentary debates, though without coming into the gallery to hear them. Here Mr. Sheridan related a well-known anecdote of Dr. Johnson, which had occurred at the literary club. Two speeches of the late lord Chatham, or, to avoid the turn of a certain waggery that had been used, he would say, the great lord Chatham, had been compared to the orations of Cicero and Demosthenes; but the question was, which of them resembled the Greek, and which the Roman orator; and this was referred to Dr. Johnson. The answer was, I do not know; but this I well remember, that I wrote them both. He might also, without offence, mention another departed character, lately high in the esteem of the House, and of his right hon. friend in particular, the late Dr. Laurence, who also would have fallen within the present proscription, if it had formerly existed. He did not know whether the authors of this bye law confined their dislike to daily newspapers. Did it extend to weekly ones also? If so, why not to monthly magazines and quarterly reviews? If it reached so far as Annual Registers, their principle would stigmatize even Mr. Burke, who had written for a periodical publication of that kind, and been remunerated for his trouble. Of about 23 gentlemen who were now employed in reporting parliamentary debates for the newspapers, no less than 18 were men regularly educated at the Universities of Oxford or Cambridge, Edinburgh or Dublin, most of them graduates at those universities, and several of them had gained prizes and other distinctions there, by their literary attainments. He again repeated, that he could mention a long list of public and professional characters of great respectability, to whom this illiberal proscription would strictly apply, but that he abstained from it for the reasons already assigned. After several other forcible remarks, Mr. Sheridan concluded by moving, That the Petition of Mr. Farquharson should be referred to the standing committee of courts of judicature.

The *Attorney General* opposed the motion, not on the merits of the case, from the consideration of which he professedly abstained, but because there was a legal remedy by application to the twelve judges; to prove which he read a case from Douglas's Reports, and, therefore, the interposition of parliament would, in his judgment, be premature and improper.

Mr. *Windham* rose to use the short monosyllable "No!" to every assertion made about him, except as to the correction of his speeches. Above all, he never had descended to any advance, or the slightest conciliation with Mr. Cobbett. He would now leave the subject to those who came for the purpose of discussing it.—[The right hon. gent. shortly after left the House.]

Mr. *Stephen* said, that his connexion with the society of Lincoln's Inn, of which he had had the honour of being a member for 35 years, might alone have led him to take a part in the debate; but a particular consideration, known to many gentlemen around him, and of which he should probably put the House in possession before he sat down, called on him more strongly to express his sentiments on this occasion. He hoped nothing that might fall from him would be construed into any disrespect towards the benchers of Lincoln's Inn; he felt for them collectively, and as far as their characters were known to him, individually too, the most unfeigned respect. Among them he could reckon some of his earliest and most intimate professional friends; and he believed that men of more liberality of sentiment could not easily be found. But he must nevertheless freely avow his concurrence in the views of the right hon. gent. who made this motion, and declare, that he thought the regulation in question highly illiberal and unjust. He doubted not it must have proceeded from some hasty feelings, and would on due consideration be revoked. To fix a stigma upon a whole class of men, by shutting against them indiscriminately the door of a liberal and honourable profession, open to all the rest of their fellow subjects, was, in his judgment, quite unjustifiable, unless there were something in the common description which belonged to them, that implied of necessity an universal unfitness for that profession; or unless their exclusion by any other and fairer criterion could not be attained. Now it could not be alledged, in the case of admission to the bar by the law societies, that there was no power of ascertaining the qualifications of students applying to be called, and inquiring, if it were thought fit, into their past character and conduct. Already the standing regulations required that every gentleman, before he could perform his exercises, or, if he remembered right, before he even entered into commons, must produce a certificate from a practising barrister of the society, that he was qualified in point of character for the profession of the bar; and prior to his being actually called, he must have a like testimonial from one of the benchers themselves. If these precausions were not sufficient, further and stricter ones might be framed, so as to scrutinize effectually into the moral and intellectual character of every individual candidate for admission, without branding the class of fellow subjects to which he had belonged. There was not in this case, therefore, such an apology, as necessity or strong reasons of public convenience might afford, for a general rule of exclusion. Was it then the principle of this regulation that persons who had any time written for a periodical press and not written gratuitously, were, as such, universally unworthy of admission into an honourable profession? a reproach in which Johnson and Hawkesworth, Steele and Addison, would have been included, was surely more likely to reflect disgrace on its authors than its objects. He was at a loss for the distinct views on which such a prejudice against persons writing for newspapers could be founded. Was it supposed that persons of that description were always destitute of education and liberal sentiments, or were, in point of origin and connections in life, if those were material circumstances, unfit for the society of gentlemen? Without admitting that writing for the periodical press, though a man's original occupation, and however long persevered in, would constitute any disparagement, cases might be put, in which, from accidental circumstances, a gentleman, originally destined to the profession of the law, might have been driven to engage in such an employment as a resource for his immediate subsistence, and continued in it, perhaps, but for a brief period, without much interruption of his professional studies, and yet by this harsh rule, his return to his professional path would be for ever cut off. I will, for instance (said Mr. Stephen) suppose a young man by family and education a gentleman, and from his earliest years designed for the legal profession, to be a member of Lincoln's Inn, regularly prosecuting his studies as a lawyer, and to have arrived at within a year and a half of the proper standing to entitle him to be called to to the bar, when, by the death of his parents, and previous family misfortunes, he finds himself totally deprived of all present means of support. The resource which he might have found in the aid of near relations, is pre-occupied by fellow orphans, who from their sex and tender years, are more helpless, than himself, or perhaps he finds his heart too delicate or too proud for dependency. He has confidence enough in himself to think that when the time comes that he can put on the gown, he shall find in it an ample resource. But what expedient can he possibly explore in the mean time for his subsistence? In this emergency, a literary friend, a man of character and honour, connected with one of the periodical prints, proposes to our young law student that he should undertake, as a temporary expedient, to conduct, for a liberal remuneration, one of the departments of his newspaper in which there happens to be a vacancy. He proposes, for instance, that of reporting the debates of this House; can it be doubted, Sir, that if the rule now in question had not existed, such an offer would be joyfully accepted? Let us suppose it, then, to be so. During one session, our young student reports the debates of this House, and performs what he finds an arduous duty, with satisfaction to his own heart, recording honestly and impartially the deliberations of parliament, for the information of his country. At the end of a single year, he finds himself enabled by the death of a relation, and its consequences, to resign this employment, and resume his professional path, and he is grateful to Heaven for an intermediate occupation, which had not only rescued him from dependence and want, but improved his qualifications for future success at the bar. But when he petitions the bench of this society to be called, how sad would be his disappointment, how cruel would be his humiliation and distress, to find that this inexorable rule of the society has given a death-blow to his new-born hopes! How would his mind be stung when told that the expedient which he had regarded with self-complacency as his honest refuge from dependency and distress, had covered him with indelible disgrace, and for ever barred against him the door of an honourable profession? Sir, (said Mr. Stephen) I can conceive better than I can express what would be the anguish, and what the indignant feelings of such a man as I have described, on such an occasion. But I may be thought, perhaps, to have stated an imaginary and highly improbable case. No, Sir, it is not so. The case that I have described, is not imaginary; it really did exist; all but the rejection, which did not take place, because no such rule as that in question had then been made. In other respects the case is real. Thirty years ago, it was the case of the individual who has now the honour to address you. (Repeated cries of hear, hear.) When the cheers of the House had subsided, Mr. Stephen proceeded to say, I feel, Sir, not at all abashed at this avowal. It is an incident of my life, which I am much more disposed to be proud of, or let me rather say, to be grateful for, to a kind disposing providence, than to blush for. I should indeed blush to be supposed to be ashamed of it. I do not believe, that any gentleman in this House, or in my profession, will think meanly of me on this account; but should there be such a man, I hope I shall never hear of it, for I should be tempted to hold him in more contempt, than it is allowable for us frail beings to feel for any of our fellow mortals. Mr. Stephen went on to state, that his own case was by no means too favourable a specimen of the class of persons who were his contemporaries in the same employment. He could recollect about eight or nine of them, and of these he did not know one, whose subsequent conduct in life reflected any discredit on his former occupation. He believed only one of them still continued connected with any periodical press, and that was a gentleman to whose character his testimony was not wanted, as he was well known and esteemed by many members of that House; and reckoned among his friends one of the first characters of the country. He meant the editor and proprietor of The Morning Chronicle. Of the rest, five or six had been called to the bar; and he never heard that any of them had been supposed at all to discredit his profession. One had been since very eminent in the courts of our sister island; another had made a fortune in the colonies, and had since held a situation of honour and confidence under the crown; a third had retired from the English bar on the acquisition of a private fortune, before his very eminent talents, natural and acquired, had time to be known in his profession. He was now, alas! no more; but this he would say of him, that no man he ever knew in his very varied walks in life possessed a nicer sense of honour and integrity. The last he should notice of them, and whom he might without impropriety mention, was long a member of that House, and the very intimate friend of the right. hon. gent. who made this motion; he meant the late Mr. Richardson. He must add, with gratitude, that to his kindness, under providence, he was indebted for that seasonable resource in misfortune, to which he had lately adverted. Mr. Stephen added, that, with a single exception or two at the most, he did not know who the gentlemen were that now conducted the department of the newspapers, in which he and the friends he had alluded to were once employed. He could not speak, therefore, from any private partiality to them, and was confident that such members as took the trouble to observe how his speeches had in general been reported, would not think he was much in their favour; but it was the profession or employment itself, not the individuals who now or at any other time filled it, that he thought it his duty to defend against an unjust proscription; and it could be hardly thought that there was any thing essentially degrading in the employment itself after the facts which he had mentioned, in addition to those which had been alluded to by the right hon. mover of this question. For his part, indeed, he could not see what there was more disparaging to a gentleman, or a man in a liberal profession, in reporting the proceedings and debates of the legislature, than in reporting the judgments of a court of law. Mr. Stephen then proceeded to argue against the regulation in question on grounds of public and constitutional policy. To fix a stigma on any class of men, and degrade them below their fellow subjects, by exclusion from a common privilege, was the surest way to make them disaffected to the state. Such, at least, must be the case, when the ground of exclusion was an impeachment of their moral or honorary character. But if such oppression was to be introduced in this land of freedom and equality, at least we should take care not to select, as the victims of it, a set of men who had so much political power in their hands as the conduction of the periodical press. The military profession was every where held honourable, and to degrade it would be felt by every body to be in the last degree imprudent and dangerous; but he would be bold to say, that the military had not more the fate of the country in their hands under despotic governments, than the conductors of newspapers had in this kingdom. Against their united and systematic hostilities, the constitution could not long stand. To sanction an innovation therefore, that would tend to raise an *esprit du corps* among them universally against our public establishments, would be to aggravate greatly the dangers of the country. As a friend to the liberty of the press, he deprecated such a precedent; for the press would soon become dangerous and obnoxious, if it was to fall into the hands of degraded and disaffected characters. It was in this view chiefly, that he thought the interference of parliament justifiable, if the perseverance of the benchers should make it necessary, notwithstanding the arguments of the Attorney-general. It was not a private or particular case, to be redressed by appeal to the judges, but a case of general and public mischief, fit for the presiding wisdom of parliament, as the guardian of the public weal, to notice and correct. He regarded such stigmas on a particular class or cast of men, in any society, as cruel and mischievous in another view. If they did not find men worthy of contempt, they would soon make them so. Degrade any portion of society, and you will infallibly reduce its moral character, till it seems deserving of the ignominy to which it has been unjustly subjected. He had lived long in a part of the world which furnished a striking proof of this remark; and there was nothing more odious in a contemptuous oppression, than its corrupting effect on the minds of its unfortunate victims. If this were so when the badge of degradation was the colour of the skin, or some other subject of public contempt which the individuals derived from nature or some other unavoidable source, how much more when entering into the degraded cast, was matter, not of necessity, but choice. Men would not choose an employment proscribed as dishonourable, unless their moral character were already corrupted. Were we prepared then, at once to maintain the liberty of the press, and to say that its conductors should hereafter be men so low in moral and honorary sentiments, as to choose an ignominious employment. Mr. Stephen further said, that to select the popular, open profession of the bar, as the only subject of this degrading disfranchisement of a portion of the commons of England, was peculiarly improper and strange. That profession was in a pre-eminent manner the patrimony of the people at large; and to it indeed they owed, more than to their parliaments, that general equality of rights, and exemption from all aristocratical oppression, which it was their distinguishing happiness to possess. The courts of law, by their liberality, had abolished that distinction of casts, which, in the times of villanage, degraded a great majority of our ancestors, and excluded them from liberal professions. It was a blessing which the people of England owed to their lawyers, and it was singular that a departure from the principle of constitutional equality, should in these days begin in the same profession. He could not help suspecting, in this regulation, a latent principle of aristocratical pride and contempt for poverty as such; for why otherwise should the restriction apply only to those who wrote for emolument? If the act of writing for the newspapers was immoral or dishonourable, he did not see how the doing it gratuitously could redeem the act from reproach. Certainly it was presumable that those who exercised such an employment for gain, were not in affluent circumstances; but if poverty or humility of origin were to become reproachful in the inns of court, many a proud scutcheon which now ornamented their walls, must be taken down. In other professions, as the church, or army, hereditary claims or fortune might facilitate preferment; but at the bar, a profession which was a much more frequent road to rank and fortune, no such extrinsic advantages were of any avail. On the contrary, it was proverbial, that a necessity arising from poverty in the early part of life was almost the only source of splendid success at the bar. It was the most amiable and valuable fruit of our happy constitution, that every path of honourable ambition was open to talents and industry, without distinction of ranks; but in the law, especially, the strongest examples of the happy effects of this equality were to be found. On the whole, therefore, if we were to begin to form proscribed and degraded casts in this country, he thought we should at least, not begin the innovation in the profession of the law, and against those who were in possession of the great organs of public information, the conductors of the periodical press. Mr. Stephen concluded by saying, that he should vote for the practical course proposed by the right honourable mover, merely because it had been proposed by him, and was the only remedy at present suggested. Had Mr. Sheridan moved for leave to bring in a bill declaring such disfranchisements of any class of British subjects, by the inns of court, unconstitutional and void, he would also have supported that measure, or any other that might be more proper to be taken for the same just and necessary end.

Sir *John Anstruther*, as a bencher of Lincoln's Inn, greatly regretted that the regulation in question had ever been adopted, and professed his entire concurrence in all the sentiments which the last speaker had so eloquently expressed. The character of the honourable and learned gentleman was as convincing an argument as any that he had used. No man who considered what the profession and the House would have lost, if that gentleman had been excluded from the bar, by a rule of this kind, could hesitate to pronounce it both unjust and unwise, and one that ought not to be suffered to exist. In fact, the regulation had been suddenly adopted by a very small board of benchers, after dinner, on a suggestion from some barristers in the hall. Though it might surprize the House, the barrister whose name was at the head of those who signed the proposition was no other than Mr. Clifford; and the bencher in the chair, about four only being present, was the late lord Chancellor Erskine. Sir J. Anstruther added, that knowing the opinions of several of his fellow benchers on the subject, he had no doubt that when the return of term gave a proper opportunity for the purpose, the regulation would be withdrawn, and he hoped therefore the right hon. gent. would not press his proposition, which he deemed an improper and unnecessary interference with the benchers in the government of the society; especially as an appeal might bring the particular case to the revision of the twelve judges.

The *Solicitor General* thought himself bound in candour to confess, that he was one of the few benchers who on the suggestion of eight barristers, had hastily adopted this regulation, which he would not undertake to defend. He paid very high compliments to Mr. Stephen, both on the score of his talents and personal character; and said, that like Longinus he had illustrated, by his own example, his own tenets on this subject. His own character was the best proof that such a rule ought not at least to be indiscriminate. He strongly maintained, in opposition to Mr. Sheridan, that the twelve judges had a jurisdiction, not merely to redress the individuals aggrieved by the rule in question, but to reverse the rule itself; and, therefore, the interference of parliament would, at least, be premature. The petitioner came *per saltum* to the House, before he had pursued the regular course to obtain legal redress. The Solicitor General, however professed his confident expectation, that the benchers of Lincoln's Inn, now that the merits of the question had been discussed, and were better understood, would see cause at least to revise and alter the regulation, if not wholly to revoke it.

Mr. *Croker* in strong terms condemned the regulation as illiberal, impolitic, and unjust, and thought that the credit of the honourable society demanded its repeal. He also professed the highest respect for the character of Mr. Stephen, and the manly manner in which he had conducted himself on this occasion. To say more would only be to repeat the arguments of that gentleman, in all of which he heartily concurred. But he trusted that the right hon. gent., on seeing that his object was likely to be attained in a more satisfactory way, would withdraw his motion. Should the event be different from what such respectable benchers of the society as had expressed their opinions, expected, he pledged himself to support a future application to parliament to the best of his power.

Mr. *Sheridan*, in a brief and neat reply, declared he could not hesitate under such expectations as were held out to him, to withdraw his motion. His object was always to attain his end when he could, without disputing needlessly on the means. He could not however regret having brought forward the question, as he doubted whether otherwise the matter would have been brought sufficiently to the attention of the benchers to induce them to revoke their rule; and especially since his motion had been the means of gratifying the House with the very manly and eloquent speech of the hon. and learned gent. whose case furnished so decisive an argument in his support.—The motion was accordingly withdrawn.

[ESTIMATES OF STAFF OFFICERS.]—Lord *Palmerston* moved the order of the day, for the further consideration of the report of the Supply, which being read, he moved, That the same be re-committed.

Sir *T. Turton* objected to the Speaker leaving the chair, as he could not conceive that any suggestions in a committee could ever assimilate the enormous Staff to the army of this country. He also objected to voting more money, till they saw how the vote of the last year was expended. He then commented on the state of the Staff and Army: and said he would not allow that there had been any economy, but only an abatement of the existing profusion.

Lord *Palmerston* said, the difference of saving would be 13,171*l.* this year, arising from the discontinuance of five lieut. generals, and one major general. As this reduction, however, would not take place till 25th March, the saving would not be more than he had stated, till next year, when it would amount to 17,000*l.* He concluded by moving, That the sum of 457,724*l.* 14*s.* 4*d.* should be granted for the Staff of Great Britain.

Sir *G. Warrender* was of opinion that a very salutary reduction might be made in our cavalry, which were not efficient from the want of horses, and which yet required an establishment of 171 officers.

Mr. *Calcraft* expressed his utter disappointment at finding the reduction proposed so trifling. He did not however, so much condemn ministers; who, he believed, would have done more, had it been in their power.

Lord *Palmerston* explained. The difference between the estimates was what he had stated; namely, the difference between 470,896*l.* 9*s.* 9*d.* and 457,724*l.* 14*s.* 4*d*; and the savings next year would consequently be 17,000*l.*

Mr. *Wardle* was grieved that the late ministers had not taken the opportunity of doing honour to themselves, and justice to the country, by doing away these enormous expences. When the country saw so little done by one party, or proposed by the other, they would get out of conceit with the House.

General *Tarleton* spoke against the diminution of the cavalry, which required more officers than at present commanded it.

Mr. *Peter Moore* said, it was not his intention, when he entered the House, to have said one word on the subjects under discussion, nor at all to have interfered in the detail of the estimates before the Committee; but some things had passed in the course of the evening which made it absolutely necessary for him to exonerate his mind from the impression which they had left, by stating it to the Committee.—An hon. baronet (Sir T. Turton) had brought forward two very serious and grave allegations before the House, against his Majesty's ministers, to which they had not condescended to offer one single word in answer; appearing like servants who had been warned of their dismission from place totally regardless of what became of the House and property of which they were in trust.—The hon. baronet had alleged, and founded his allegations on the documents and confessions before the House, that the army, which was stated in the printed returns before the House, existed only on paper; that there was no such army as the reports stated; and that the country was called on for supplies, enormous as they were, to pay for an army which did not exist. These, said the hon. member, were grave and serious charges, which, in other times, would have created universal alarm; at which the representatives of the people would have manifested their indignation; but to which in these times, ministers did not deign to offer a single syllable in answer; leaving charges wholly uncontradicted, (as he must conclude from their silence,) because they were founded in truth and fact. If so, he feared whatever he could say on the subject would meet with no better attention.—An hon. member near him (Mr. Wardle) had taken great pains to enter into the detail of the estimates before the House, and thereby rendered it unnecessary for other members to do so likewise; but, from want of proper and full documents, even his industry appeared only to justify what he, (Mr. Moore,) had uniformly observed on all similar discussions, that the result would not even indemnify the public for the value of the paper which was consumed in them.—He nevertheless gave the hon. member full credit for his exertions; and the more so, as he himself gave up the pursuit as hopeless and unavailing. But, there was one point of the hon. member's speech, which, Mr. Moore said, he must specially advert to. The hon. member had said, speaking of these loose, undigested, and extravagant estimates, that he did not attribute the practice exclusive to the present administration, as the estimates had regularly gone on in the same train under all administrations. Now, he meant to arrest the attention of the Committee and of the hon. member, to a point wherein this doctrine could not apply to the late administration. He said, it was no part of his duty to defend the late administration: but it was a point of great national importance, and he must beg leave to crave the attention of the House and of the country to it. The late administration, he said, had often been reproached in that House for suddenly raising the Tax on Property from $6\frac{1}{4}$ to 10 per cent. and a temporary triumph had as often been obtained at their expence, with a view to render them unpopular.—But with the fact of raising the tax, let the House have also the principle on which that tax was so raised, and the pledges and conditions which accompany it to the public mind, not merely in speeches in that House, but by an act of the Legislature, which passed both Houses, and had the royal assent.—It was even then found necessary to the safe condition of the State, that the blood and treasure of the country should be nursed and husbanded, in order to bring the pecuniary expenditure to an equality with the income, for the purpose of sustaining a protracted war, if unavoidable, without imposing further burthens on the people. The principle indeed was laid down by the administration preceding, I mean (most highly indeed to his honour) the administration of lord Sidmouth, who in April 1804 assured this House, that he could not consider the immense military expenditure necesssary in the present year, by the extensive preparations for our defence, amounting to £.4,500,000, as likely to continue to an equal amount: but that even supposing these extraordinary expences to be succeeded by others to an equal amount, the addition of one million annually to the War Taxes, according to the plan of the present year, would in the course of about three years, if the war should continue so long, raise the amount of the public income to such an extent, as to leave a sum to be provided for by loan not greater than would be furnished by the Sinking Fund, from which period it was evident that the nation might persevere in the prosecution of the war, with a diminishing instead of an increasing debt. When the late administration came into office, they also saw the necessity of rigidly supporting the principles here laid down; and with that view, on the most accurate calculation, and with the most liberal and faithful meaning towards the people and the country, resolved to follow them up by a rigid system of economy, and especially in the discontinuance of foreign military expeditions; with the neglect of which, they were subsequently and repeatedly charged in terms of criminality, for supineness and inactivity. When they raised the income tax, they pledged themselves to the House, and to the country, that with this sum, and the loans so to be raised, they would bring the annual expenditure within the annual income; and that as they were confident of their success, within the given period of three years, they would not call for any additional burthen from the people, and bound the House and the legislature by an act, against all further possible contribution for three years.—"This, Sir, was their system, (said Mr. Moore), and had they continued in administration, I am sure, from the scrutiny which I have since made into the state of the national finances, that they would have succeeded even beyond their own calculations, and that at this time the public expenditure would have been considerably reduced within the then scale of the public income; the people would have been spared all the subsequent burthens, and the state had been perfectly secured against all probable defalcation. But, Sir, this administration were turned out under the miscreant cry of "No Popery;" and so far from being in a situation to realize this promised redemption, they had not even the expenditure of any part of the augmented tax. The whole of the supplies provided by them, unhappily for the country, fell at the disposal of the present administration; and it will be in the recollection of the House, that so wild were they for foreign Expeditions and encreased expenditure, that one of their first measures after the new parliament was assembled, was to remove and explain away the enactments of the Appropriation Act, in order to let in that system of profusion and foreign Expedition, which has proved so calamitous and fatal to the very safety of the country; which has heaped dishonour and disgrace upon the nation; and in lieu of redemption from all our then arrested financial difficulties, has left us with an annual expenditure now exceeding our annual income by no less a sum than 21 millions sterling, as declared by an hon. gent. opposite (Mr. Huskisson), from documents and vouchers taken out of their own private escrutoires.—This, Sir, is the point of contrast which I mean to draw between the system laid down by the late administration, and the conduct pursued by the present; of the relief and security we should now have possessed under the one, and the accumulation of difficulties and burthens in which the country is left involved, under the other.—Sir (continued the hon. member), I have been anxious to communicate this impression on my mind to the House and to the country; not as applicable to the details which the Committee have been discussing; it leaves them all far behind, calling for more effectual measures and rapid movements. I throw it out here, (said Mr. Moore,) that every member when he leaves this House may seriously and anxiously reflect on this situation of the country, in his hours of quiet and silent retirement; I throw it out, said he, for the serious reflections of those who love and wish to save the country." Seeing an hon. gent. on the floor, (Mr. Bankes), Mr. Moore said, he had on a former occasion conjured him to come forward with an whole system of future expenditure, founded on principles of economy, national dignity, and national safety. He had already declared that he considered the Finance Committee as a committee of national safety, and must still call it so, so long as national safety, as now undeniably admitted, depended on the reform of the finances; and he again and again conjured the hon. gent. and his colleagues, with all watchful vigilance and jealousy to digest and bring forward an whole system of retrenchment and reform, and thus to acquit themselves of their duty as faithful and honest representatives of the people, totally regardless how the ministers, who are only trustees of the public, might venture to dispose of it in the face of the country. Mr. Moore said, he should with this view, recommend it to them to revise all the establishments and scales of expenditure of the country, and consider how far they apply the principle laid down by Butler's reception of a lawyer's bill, "from which, if you cut one third from the top (says this happy humourist) and cut one third from the bottom, you will be certain of leaving as much as he is honestly entitled to charge." Mr. Moore said, the situation of the country required the instant adoption of masculine measures of this description. The country was to be saved and must be saved; and it was acknowledged on all sides, that that salvation depended on reforming the finances; he knew of nothing to intervene to prevent it. That long hackneyed bugbear, called invasion, was now declared to be "morally impossible:" the truth and fact is, said Mr. Moore, that this was always a bugbear; there never was the least foundation for any apprehension of the kind; and it only formed part of a system of delusion, of imposition, and fraud upon the public mind, from the year 1793, under which ministers had exacted from the country, and expended upwards of 1,000 millions of money.

Mr. *Tierney* moved an amendment, "That a sum no greater than 449,038*l.* 11*s.* 10*d.* be granted for the service of the military staff."

Mr. *Wardle* supported the amendment.

The *Chancellor of the Exchequer* was surprised that gentlemen should think the estimate extravagant, when such a mode had been adopted by those who were formerly in power, and to whom the gentlemen had been supporters.

Mr. *Whitbread* said, the right hon. gent. had begun his speech as he commenced his political career, by recurring to the conduct of those who preceded him; and by a trifling recrimination. He considered the system of those estimates vicious, and would therefore vote for the amendment.

After some observations the House divided on the amendment, when there appeared Ayes 61, Noes 99—Majority 38.

HOUSE OF COMMONS.

Monday, March 26.

[Lord Erskine.] Sir *John Anstruther* begged to correct a misconception, which, from what he had said on a former evening respecting the obnoxious bye-law of the Lincoln's Inn benchers, had gone abroad. It would appear from his former statement, that lord Erskine had given his assent to that resolution, whereas the fact was, that that noble lord was only present on the 5th of February, when it was first proposed for consideration, but was not present when it was subsequently decided upon.

Mr. *Sheridan* stated, that he had it in authority from the noble lord to say, that he had never given his concurrence to this order, and even, if under any impression at the time he had given such consent, from what had since come to his knowledge, he was most anxious to have it withdrawn.

[Expedition to the Scheldt.] Lord *Porchester* rose in pursuance of his notice to submit certain Resolutions to the House founded upon the evidence taken at its bar, during the laborious but important investigation, which had occupied so much of their attention since the commencement of the present session. He was fully aware, that in endeavouring to lay before the House a clear and comprehensive analysis of that evidence the task he had undertaken was difficult, and was afraid he should weary the attention of the House by the details, which it would be absolutely necessary for him to go into, in order to the complete developement of the question which they would have to decide upon, and to lay an irrefragable ground for the motion with which he was to conclude. Difficult, however, as he felt the task he had undertaken, he also felt that it was as painful as it was arduous.—Painful to review a campaign, in the conduct of which there was so much to wonder at, to lament, and to condemn—a campaign which had equally astonished Europe by the magnitude of its preparation, as by the extent of its failure. Notwithstanding such failure, and such a calamitous issue, he had still hoped that in proceeding to analyse the evidence, he would have been able to extract from this mass of national misfortune, something that might by its eventual consequences amidst the present cheerless gloom, afford even partial grounds for national consolation. He had hoped to find that such dreadful failures were, at least in part, attributable to those uncontrollable causes which are incident to all the operations of war, and are inseparable from enterprises dependent for their success, upon the state and condition of the elements. But what had the disastrous issue of this Expedition proved? It had proved to be the result of predicted and anticipated causes. It had verified every prediction, and realized every fear expressed by all those best competent to decide upon its policy and practicability, but whose opinions upon this occasion, most fatally for the honour and interests of the country, his Majesty's ministers did not deem it expedient to follow.

Before he should trace this ill-judged and disgraceful Expedition from its monstrous birth to its most horrible catastrophe, he felt it necessary to advert to another abortive enterprise, which was previously in the contemplation of his Majesty's government, but with which, from the reasons he was about to state, they were wholly unable to proceed. They would find from the evidence of the commander in chief, sir D. Dundas, that so early as the the 22d of March last, a communication was made to him, directing him to attend a cabinet council on the 24th. Having so attended, he was there informed, that the enemy had a force of nine or ten sail of the line at Flushing, and he was required to say, whether a number of troops, competent for a successful attack against these shipping, could be then furnished. Here, then, was an opportunity for carrying into effect that object against the growing naval force of France, which his Majesty's Government professed to have had so long in contemplation. Had it succeeded at that period, what a proud theme for triumph; what a consoling source for national exultation? But why did it not succceed, or why was it not attempted? It could not succeed, it could not be attempted; because, as the commander in chief himself told them, it was absolutely impossible, from the whole regular army of this country, to furnish even 15,000 men. And on what grounds did he give that opinion? Upon the well-known shattered state, in which a great portion of our disposable force returned from Spain after the battle of Corunna? The men, for the most part, unfit for duty, with arms and equipments in the most defective state. General Calvert corroborated that statement, and fully coincided in the impossibility of providing so small a force as 15,000 men at that period.

Here he must intreat the House to recal to its recollection the barefaced assertions, the confident assurances so frequently repeated by his Majesty's ministers during the last session of parliament. Let them compare the lamentable truths which the commander in chief had communicated, and which would never have been disclosed but for this inquiry, with the statements that were re-echoed from the opposite side of the House and the returns which were officially laid upon their table during the last session. Why, he would ask, had statements and returns so contradictory to truth thus been made? Was it not to disguise the nature and extent of the nation's afflictions, to gloss over the misconduct of ministers, and by keeping from view the just description of such lamentable occurrences to confirm that House in a fatal and ruinous delusion?—[Hear! hear!] What answer could ministers make to this charge? Here they had the undeniable information before them that although in the month of January last, 23,000 men re-embarked at Corunna, still in the month of March, it was impossible out of the whole regular army to furnish 15,000 men for the purpose of effecting a most desirable object.

He should now proceed to take a view of the first overt act in this Expedition. In order to form any thing like a correct judgment upon the subject, it would be necessary to trace it through every part of its history and progress; to expose the gross ignorance and improvidence of its authors throughout every part of the detail, before any opinion should be formed upon their aggregate imbecility and incompetence. The first overt act then in the history of this most disastrous Expedition was the Letter of Lord Castlereagh to the commander in chief, dated May 29th. That Letter conveyed to the commander in chief the following statement: "The naval establishment which the enemy has created in the Scheldt, has already led to the construction of not less than twenty ships of the line in different stages of equipment, and promises to receive at no distant period an extension in point of number of ships, and a solidity in point of defence, which must render it, as a maritime position, not only extremely formidable to the security of Great Britain, but still more invulnerable to attack. The intelligence received from the northern parts of France, from Flanders, and from Holland, although not such as will enable me to furnish you with any precise statement of the enemy's force on that line, represents them as drained as low, if not lower, than at any former period, of the regular troops; and I apprehend it may be generally assumed that we can never expect to find the enemy more exposed or more assailable in that quarter." In this they had the first overt act of the noble lord, who, though obviously ignorant of the real strength or actual situation of the force of the enemy in that quarter, still advised, planned and carried into execution an Expedition, in the disastrous consequences of which the dearest interests of the nation were most wantonly sacrificed. Willing however as he was to allow every credit to ministers, where credit was justly due to them, he was free to acknowledge the propriety of their conduct, so far as that propriety was discernible in their application for advice and intelligence to the best sources of authority; but here their title to credit terminated. For when gentlemen read the opinions of those officers to whom ministers applied for information, and contrasted the course determined upon with those opinions, it was absolutely impossible even to conjecture, much more to ascertain their motives at all for making the application. This attempt upon the shipping and arsenals of Antwerp, ministers told them was a plan long considered and fully matured, and yet, strange to say, in this letter to the commander in chief, they found him called upon not to state his opinion as to the best means of carrying into effect this long considered and determined project, but his sentiments "upon the practicability of such an attempt, the means required, and the mode of carrying it into execution." The noble lord (Castlereagh) admitted in this letter too his inability to afford a precise statement of the enemy's force upon that line of operation, but he assured the commander in chief, that that part of the enemy's territories was never more exposed, nor more assailable, and that this country had never at its command a greater disposable force. Upon the receipt of this communication, with a most laudable attention to the interests of the country, and to the protection of that army at the head of which his Majesty was pleased to place him, the commander in chief felt it to be his duty to consult with other officers of high and distinguished character, and qualified from talents, experience and many other particular circumstances to afford him most able assistance, in returning the fullest information to his Majesty's government. His own and their opinions he delivered to the noble lord, in official documents dated the third of June.

Before he should proceed to an analysis of these opinions, he wished to advert to the last sentence in Lord Castlereagh's letter, which he must contend, did not afford the information that was necessary, and ought to be afforded in order to enable the gallant officers who had been consulted to form a definite and conclusive opinion. Instead of such general indefinite statements as the noble lord's letter contained positive defined intelligence ought to have been communicated, but, above all, the safety of so large, and, perhaps, the last army of this country ought not to have been risqued upon such desultory arguments. But, returning to the opinions of the five military officers, it was evident from their tenor, that in putting into practice their plan of attack upon the naval resources of the enemy at Antwerp his Majesty's ministers had in their own contemplation two plans. One to proceed by way of Ostend, and the other, that is the one attempted, by naval and military operations in the Scheldt. Extravagant as was the one which, in their wisdom, they had adopted, ten times more so was that which they had abandoned. But the commander in chief stated in his answer, that if the attack was to be made at all, it should be a combined naval and land operation, and he proposed, that the relative strength of our force, and the presumed amount of the enemy, should be determined as a question of calculation, and not of surmise.

The commander in chief wrote as follows: "Horse Guards, June 3, 1809. The object to be attained is a most important and desirable one, but the force we have to employ must be considered, and the difficulties and risks they have to encounter from the enemy's strength and advantages must be well weighed. Every calculation or prospect of successful attack can only be foreseen on a knowledge of the relative situations and strength of the enemy's country, fortresses, and armed men that can be brought in defence of both. If the route of the army is therefore to be taken, as in the first case, though Flanders, the country is known to be one of the most intricate in Europe for military operations. With our state of preparation and numbers, an attempt by this route of marching through Flanders to arrive at Antwerp would be most singular, and perhaps without example. In whatever way Antwerp is to be approached or taken, the service is one of very great risk, and in which the safe return of the army so employed may be very precarious, from the opposition made and the length of time consumed in the operation, which enables the enemy in a short time to assemble a great force from every part of the Netherlands and Holland, and even from Westphalia, and from the course of the Rhine, as well as from the frontier of France."

Here was the opinion of an old, an able and experienced military man, which one might suppose would have arrested even the rapid progress of the noble lord's (Castlereagh) enthusiastic mind—an opinion, that ought to have created in him a distrust of his frantic project, and let in such light upon him, that he must have almost anticipated that issue which in the destruction of our army and the disgrace of our character, has far exceeded even the forlorn and disastrous expedition, which, under the same auspices, had but just preceded it.

The next opinion delivered was, that of general Calvert—an opinion deserving of the most serious attention because he had what his Majesty's ministers had not, a knowledge of the local. That officer stated the utter impossibility of laying down any thing decisive in the shape of detailed reasoning, without being in possession of that knowledge, which most people imagine an indispensable preliminary, but which, important as it must appear to all others, was by his Majesty's ministers, through the whole arrangement of this project, considered highly superfluous, namely a knowledge of local circumstances and to what extent those circumstances would admit of a naval co-operation. After describing the means possessed by the enemy in drawing from various quarters reinforcements, he concluded with an opinion, that, one should have supposed, would have operated with ministers against the adoption because it must have proved to them the inexpediency of this project. Before he read that conclusion he must say, that he was not aware of the extent of their want of that description of information, without which his Majesty's government should not have ventured to risque the safety of a gallant army. For what said general Calvert upon that point. He told them that having no data to go on in respect of the enemy's force, no argument could be entered into upon that point. Would the noble lord or any one of his former colleagues say, that they should have committed the honours and interests of this country, the blood of its defenders, and the product of its industry, upon an enterprize, the success of which must have depended upon a state of things, of which they themselves now stood so confessedly ignorant? Yet even upon the presumptions that the case itself afforded, they were told by general Calvert that the service would be arduous, and that the troops employed upon it must be exposed to considerable risk.

He next came to an opinion which was almost impossible to believe to have been received by ministers, or if it had been received, that it was ever read by them, for most assuredly had any attention been paid to its most impressive and unanswerable inferences, they never would in contradiction to its purport have conveyed a British army to almost certain destruction. Need he say, that he alluded to the military opinion of colonel Gordon? (Hear, hear!) That officer stated the previous consideration necessary in weighing the practicability of this project, to be "the extent of our means compared with the means of the enemy, and the obstacles we should have opposed to us;" and in continuation observed, "that there does not appear to be any datum that can lead to any probable guess at the extent of the force which the enemy may have at Antwerp and the strong towns adjacent, or even at the extent of the armed population or militia of the neighbouring districts; but it is imagined from various concurring testimonies, that the whole regular force has been drawn off towards Germany, and that the country in the vicinity of Antwerp has been left more destitute of troops than at any former period. This appears to be the utmost extent of our information, and upon the accuracy of which must depend the success or failure of our project." Upon his receiving this opinion it was really astonishing to think that the noble lord did not pause before he ventured to send an army, such as this was, out of the country, to certain destruction. The whole of that officer's opinion went most conclusively, in his mind, to deter any man or set of men, but his Majesty's late minister of war, and those who acted with him, from encountering the hazardous and horrible enterprize.

From what had transpired during the inquiry, it was apparent that his Majesty's ministers intended resting a part of their defence upon information alledged to have been received subsequent to the delivery of these military opinions. But in answer to such an extenuation, he would challenge his Majesty's government to state one single proof of such subsequent information. Was there any thing in the documents submitted to the secret Committee which could authorise that House to believe that the army in the vicinity of Antwerp were, in any considerable force, drawn off into Germany? In this opinion, dated so far back as the 29th of May it was also to be recollected, that colonel Gordon considered that the first operation necessary would be to get possession of Cadsand and South Beveland. And yet it was not until the Expedition had in part actually sailed, that it had ever occurred to his Majesty's ministers to consider of the necessity of taking possession of these places or of hinting at it in the instructions given to the officers entrusted with the execution of this project. But it was impossible to put the nature of the Expedition in a stronger light, than as stated in the emphatic words of colonel Gordon, when he summed up with his concluding inference. "That this attempt would be a most desperate enterprise cannot be doubted; and that in the attempt, whether successful or otherwise, a very large proportion of our navy, and military means, would be put to imminent hazard."

The next opinion taken by the commander in chief was that of general Brownrigg, who agreed with all the other military authorities, that the line of operations through Flanders was not to be thought of and for the following reasons:

"But if the enemy is enabled to assemble a force sufficient materially to obstruct the progress of the march at particular points, and that the people of the country are hostile, which may also be expected, it is hardly probable that the Army can reach Antwerp in less than fifteen days after its landing. That it may penetrate that distance, under the presumption of the absence of the French armies in Germany, cannot be doubted; but so much time would be afforded to the enemy to assemble troops from Holland, and the fortified places immediately in the vicinity of Antwerp, that it being able to effect its object is by no means certain; should it not do so, a retreat by the route which it took in its advance seems nearly impossible, as an army must be expected to be formed in its rear, of the Militia and Gens d' Armes of the country, and from the garrisons of at least twenty fortified towns of West Flanders, none of which are at a greater distance than seven days march from Ghent, which would be retaken, and would probably be the point of assembly, while it would be pursued by that which opposed it at Antwerp."

Upon the conjoint operations in the Scheldt general Brownrigg proceeded to state his opinion.

"If I am justified in the foregoing reasoning, it appears that the loss of the whole force is risked by such an undertaking; but if the destruction of the enemy's arsenals at Antwerp, and his fleet in the Scheldt, is the object in view, I am humbly of opinion, that this can only be effected by our fleet being able to sail up the Scheldt, 10,000 troops on board, to land occasionally, to possess forts and batteries placed to obstruct the navigation. Should this be deemed impracticable, the possession of the island of Walcheren seems the most likely step to lead to the accomplishment of what is so much desired. By possessing the anchorage of Flushing, the enemy's fleet in the Scheldt would be rendered useless, and exposed to such modes of attack as might from that point be devised for its destruction."

As to the accomplishment of the ulterior and main object of the Expedition general Brownrigg thus expressed himself:

"Should it be thought right from thence to attempt the destruction of the arsenals at Antwerp, a force passing over to South Beveland would take possession of Sandvliet and the main land, and from thence, the distance to Antwerp being about six leagues, might succeed in taking it by a *coup-de-main*; or being masters of the Western Scheldt, the force of this enterprise might proceed by sea to Sandvliet.—I have, &c."

Of all the plans proposed, this was by far the most extravagant and impracticable. Flushing having been taken, general Brownrigg really thought that a force passing over to South Beveland, would take possession of Santvliet on the main land, and the distance from thence to Antwerp being only six leagues, might succeed in taking the latter place by a *coup-de-main*.

The House would perceive, that although this opinion was not as adverse as the preceding ones to the ministerial project, still it was far from very encouraging. The next opinion taken was that of general Hope. He began with making several assumptions, and after dilating upon the impracticability of effecting any part of the objects of the Expedition by an attempt to penetrate to Antwerp through

Flanders, he proceeded to consider the chances of success in the other mode of proceeding. He supposed Walcheren and the other Islands betwen the East and the West Scheldt to be previously reduced, and then went on to say respecting the great object of attacking Antwerp:

"Should this operation (meaning the attempt to capture the Islands between the East and West Scheldt,) succeed, and a considerable quantity of schuyts and boats be collected, it might then be investigated how far it was practicable to take advantage of a flowing tide; and by an embarkation from the point of South Beveland, highest up the river, attempt Antwerp by a coup-de-main, landing, at the same time, smaller bodies of troops at Zandvliet on the right, and some corresponding point on the left bank of the Scheldt, to spread alarm; and operate as a diversion in favour of the main operation.

"The flotilla on its progress up the Scheldt would necessarily be accompanied by gun boats, which should attempt to check the forts and batteries on either side of the river.—The capture of forts Lillo and Liefkenshoeik would be of great importance to the security of retreat.

"Such an operation, it is evident, would be attended with great risk to the force employed, without, perhaps, any adequate security to the attainment of its object."

Here, then, were five military opinions, four of them decidedly adverse, and the fifth not favourable to the Expedition. Having thus bottomed their project upon the opinions of five military officers, his Majesty's Government next applied to two naval officers, sir Home Popham and sir Richard Strachan. In sir Home Popham's interview with lord Mulgrave, he stated, that he conceived there were greater objects in view than the possession of Walcheren.—Indeed it was perfectly plain from the equipments of the Expedition, that it was principally intended for the ulterior object of destroying the naval resources and arsenals of the enemy; but even if any doubt existed before, it must have been wholly dissipated by the opinions of the military officers, who all concurred in considering the great and ultimate object of the Expedition to be the attack upon Antwerp. In the memoranda of sir Home Popham, he particularly presses two points, namely, that the troops should be embarked in ships of war, as transports were a great impediment to promptitude and attack, and that as the season was advancing, the Expedition should be ready to sail by the 26th or 27th of June, about the time of the full moon. Here, then, was their first naval opinion treated with the same disregard as those of their military advisers; first, the ships of war were not to proceed up the Scheldt, and the hopes of promptitude were increased by the vast number of horses that were sent out, as well as by not dispatching the Expedition, which ought to have sailed on the 27th June, untill the 28th July. Sir Richard Strachan, with whom they next advised, assured the noble lord at the head of the Admiralty, that he entertained little prospect of ultimate success at Antwerp. In his conversation with lord Mulgrave, he perceived that his lordship did not then know that the French ships could go above Antwerp. When asked whether he had ever any communication either with lords Castlereagh or Mulgrave relative to the difficulties he might be subject to in going up to Antwerp, he said that he did not recollect that they communicated to him any thing upon the subject, but he remembered that when he remarked, that all he thought could be done would be taking Walcheren, the noble lord at the head of the Admiralty replied, in anticipation of what I trust the constitutional organ of the nation will at the end of this discussion declare, that the country would be little satisfied with such an extensive armament doing nothing more than taking Walcheren. Upon the repetition of his fears, the noble lord assured him that he had the fullest confidence of success, and that he had reason to think they should do very well.

In developing the consequences which followed this ruinous ministerial project, it was most natural to enquire, and if possible to ascertain, first, whether there was any settled plan of operations at all, and secondly, whether there had been any plan concurred in by the different departments of the cabinet, and fully communicated to the officers entrusted with the command? He must confess that, with all his anxiety to learn, and all his industry to obtain the information, he was yet to hear what was the nature of the arrangement proposed. Were he to deliver his own conviction, it would be that there were as many plans as there were departments engaged in the Expedition;—that the noble lord (Castlereagh) had his plan—that the admiralty had theirs, and that the right hon. gent. opposite (Mr. Perceval) had his, each distinct from the other. The plan of the noble lord, if one might guess from the outline, was to make a dash, which disdained to stop at even the most desperate risks, and appalling dangers. The plan of the admiralty, at least fixed upon at the sailing, though hostile to the romantic notions of the noble lord, was much more prudent. It would not hazard the navy in a most intricate navigation. The right hon. the Chancellor of the Exchequer's plan was not how he should support the cause of his allies; not how the operations of the Expedition should affect the scale of the war in Germany; not how it should tend to turn in favour of Austria, the equally poised fortune of that awful campaign, but all his attention was absorbed in calculating upon that arrangement which should convey your Expedition with the least possible quantity of dollars. The right hon. gent. totally overlooked that axiom in war, that bullion was as necessary as powder and shot, and was, when well applied, not less operative. (Hear, hear!) What plan the secretary of state for foreign affairs was more particularly attached to, he could not tell; but it was probable, that just at that time, he had some little plan of his own which he did not communicate to his colleagues. The admiral appeared to have a plan; but the commander in chief appeared to have no plan at all. Throughout the whole of his examination it was clear that he had at no time during the campaign considered of any plan at all, neither was there any pointed out to him in the instructions of the government? The noble lord here declared that he felt it difficult to settle what plan he should proceed to discuss on the present occasion; but he should at all events endeavour to follow up what seemed to have been the intention of the government. The general understanding of the business seemed to be, that part of our army was in the first instance to take possession of the island of Walcheren, and another corps to take Cadsand. The main body was to advance to Santvliet to about the number of 22,000, including however eight detachments to be sent to South Beveland. This was so far the apparent plan, which, however, related, according to some of the documents before the House, in not very intelligible language, to "a second, ulterior, simultaneous, subsequent operation!"—Now to have any chance of success, it was necessary that the main body should have got to Santvliet as speedily as possible; and accordingly four days were calculated for its passage from the Downs to Santvliet. Sir R. Strachan had said, that if wind and weather were favourable, it might be done in a week; but after all, with every precaution that could have been taken, some vessels were behind, and some had been stranded. In addition to that cause of delay, it was found quite necessary to take South Beveland, since the enemy had batteries on that island all up the river as far as it extended; and, besides, Bathz might have been expected to hold out for some time. The noble lord then referred to a letter of lord Castlereagh to the commander in chief, of the 23d of June, stating that on the 21st he had received the King's pleasure that the Expedition should go forward. The ardent zeal of the secretary of state had outrun the royal sanction; for he had, previously to obtaining it, directed sir D. Dundas to hold the army in readiness. The great objects of the Expedition were stated to be, the capture or destruction of the enemy's ships at Antwerp, at Terneuse, and in the Scheldt, and, if possible, the rendering of the river Scheldt no longer navigable; and this they now told us was to be done by a *coup-de-main*. He doubted much, after all, that there were in existence such arsenals as those at Terneuse here directed to be destroyed. As for the "powerful diversion in favour of our allies," how could the noble lord expect it to be so, when he knew, that, after the *coup-de-main*, our force, for want of foreign coin, must return immediately? This was the object on which the eyes of his Majesty's ministers had been fixed for so long a period. As to the scheme of destroying the navigation of the Scheldt, it was impracticable.

The noble secretary of state, however, hoped confidently that all the difficulties would be overcome. How? Not by methods provided or foreseen by government, but forsooth, by the valour and energy of his Majesty's troops. He could not, however in this place omit a principal point, the probability of those ships being protected by the enemy. And here for the first time the noble lord prudently considered difficulties and possible failure, and yet pointed out no method by which to overcome them. He had however followed this consideration of difficulties up by saying, although the objects of our Expedition could be removed farther from us at the discretion of the enemy, yet upon the whole it was deemed necessary to recommend the undertaking of the Expedition.

The House should bear in mind, that we could not go from Santvliet to Antwerp with safety, but with the possession of one of the banks of the Scheldt. The north bank of that river, and the possession of South Beveland, were also thought to be indispensable. Sir H. Popham had given it as his opinion, that with every circumstance of wind, &c. being favourable, we might be on the coast from the Downs in 24 hours, and in 48 hours afterwards at Santvliet. Sir R. Strachan had said, that we could not do it without great danger and loss to our ships and boats from Bathz, which must therefore be taken, and where sir J. Hope had stated, that there were 14 or 15 guns mounted. South Beveland and Bathz must therefore have been taken. Sir R. Keats, one of the most experienced naval officers, held a high command in the Expedition; but it did not appear that he was in any respect ever previously consulted. That gallant officer nevertheless had made a communication to lord Castlereagh, who shewed but little disposition to consult with him. Sir R. Keats, it seemed, was in favour of proceeding to the ulterior objects at once, and against wasting time or troops in Walcheren: This circumstance would prove material, in some respects, in reviewing the whole case. When asked as to the time that might be occupied in advancing to Antwerp, the main object of the Expedition, sir Richard said it depended entirely on the state of the weather, and was subject to many chances; that if Bathz were defended, it might have retarded the Expedition a few days: That unless we landed with great celerity, the efforts of the enemy might make ultimate success doubtful, and even though we arrived in time off Santvliet, yet the nature of the Expedition was peculiarly subject to chances; and the probability was, that those chances might happen which would render success very uncertain. He said likewise that we could not go up the Scheldt with less than eighty gun-boats, to enable us to cope with the numerous French flotilla in that river. You might pass over from Deal to Santvliet in four days, but you are reminded by sir Richard, that you must stop in the Scheldt and wait to arm your gun-boats. He armed but six and twenty of them in one day. His Majesty's ministers, in their calculations, had reckoned on no such impediments; there was to be the easiest and quickest of passages over, and on the land there were to be found the most excellent roads. They calculated the progress of the Expedition by a sort of time-keeper without friction; but a little friction occurred on entering into the Scheldt, which they never dreamed of: a ship laden with guns to arm the gun-boats was behind hand, and impeded their proceedings.

He now came to the intelligence submitted to the secret Committee; a person it appeared whom ministers represented as one well acquainted with the navigation of the Scheldt, and worthy of the firmest reliance being placed on his statements, described the Slough Passage as difficult for even small single vessels, and declared it to be necessary to have a pilot in every line-of-battle ship and frigate in order to effect that passage with safety. How were our fleet provided in this respect? They had only one pilot; and sir R. Strachan declared that he could not get one bold enough to venture to carry his ship safe up this dangerous and difficult navigation. It was true the river might be buoyed, but this would occupy a week, and preclude all possibility of a rapid advance.—It also appeared, from the testimony of this person, that it was only possible to proceed to Bathz with the wind in two points of the compass, between the South and West, and perhaps with a scant wind in two other points. But ministers did not care for these difficulties; they proceeded, as if they could have relays of favourable winds at every corner of this winding river. The time necessary to take possession of South Beveland, and to reduce Bathz, they left entirely out of their consideration. Sir John Hope had declared, that it might have held out several days, if defended, and in this opinion he was confirmed by lord Rosslyn. The speedy surrender of both these places therefore was very unexpected, and could never have been anticipated in any preliminary view taken by ministers, if they did ever take any preliminary general view of the matter. Bathz in particular was capable of a resistance sufficiently long to have disconcerted their whole plan of operations. Lillo and Liefkenshoeik were also by many deemed indispensable and capable of similar resistance. To man the flotilla in the river—to take possession of Beveland—to reduce Bathz—and to have wind and weather for all occasions, presented to our ministers neither difficulty nor subject for deliberation. General Brownrigg, who seemed somewhat to participate in the sanguine expectations of lord Castlereagh, in his evidence, stated, that, if the army could have landed on the 1st, 2nd, or 3rd, of August, they might have been successful. Being further examined, he said, that, taking possession of Cadsand would be but the work of an hour. But he, like ministers, forgot that the north-western wind, an unruly spirit, must blow before they could undertake or attempt to accomplish their object. Gen. Brownrigg imputed the failure of the whole to the unfortunate necessity which obliged the armament to take shelter and assemble in the Roompot. Lord Castlereagh, when examined, would not fix dates so nearly as general Brownrigg; but he was of opinion, that, under favourable circumstances, the armament might have arrived early, and been succesful. On being questioned as to the force and dispositions of the enemy, his answer was, that he could not presume to judge what might be the movements of the enemy. As a member of that House the noble lord might have declined answering this question, when pressed on him, but since he had answered it, he stood condemned out of his own mouth.—What! was he not to calculate on the resistance likely to be offered to his Expedition—to ascertain as far as possible, the movements likely, or in the power of the enemy to be made? Was he to send troops, not alone to learn whether they could proceed, but whether they could ever return? This was a point he ought most decidedly to have ascertained, as the fate of the army, of the Expedition, and eventually of the kingdom, whose last and greatest hopes were thus embarked upon the issue, depended upon it.

The noble lord (Porchester) came next to the examination and evidence of a noble earl (Chatham) who was the commander in chief of this Expedition. The noble earl was certainly very prudent and cautious in respect to giving any opinion; he had no wish to engage in that sort of campaign: but what had come from him was certainly, in its effect, very like a sarcasm upon his colleagues in the ministry. Some facts, indeed, and those of importance, the noble earl had stated to the House; one of which was, that you could not proceed up the Scheldt, unless you had the advantage of a westerly wind: and he had also added, that with that desired westerly wind you were under the necessity of meeting with a high surf, that rendered your landing extremely difficult. Being asked further respecting the difficulties of going up the river Scheldt, he had told them, that he had always understood that the entering and advancing with an armament up a winding river, where navigation was not perfectly known to those who wished to go up, was an undertaking of very great difficulty and of danger. His lordship, however, had further stated and seemed astonished at any question being put to him on the subject, that in his opinion it was not possible to have landed the army with its artillery, its stores, &c. at Santvliet on the sixth; but general Macleod and general Fyers thought of being being before Antwerp on the 10th, and presumed the landing at Santvliet on the 4th. The House then would see how these great characters agreed as to the efficiency of the means, and the practicability of the object.

He had thus endeavoured to shew, that four days were not sufficient for the purpose intended, and in this his opinion he was corroborated by that of the earl of Chatham, the commander in chief; but ministers had evidently calculated, without considering any of the three or four preliminary circumstances (which he had already noticed) and an intricate, dangerous, and difficult navigation. The same sort of rashness and precipitation which was evident in the plan of ministers, was also a distinguished feature in the mode of carrying it into execution. They had formed a great plan for attacking Antwerp, for the capture and destruction of the French ships, the arsenals, depots, &c. and various other important objects; and yet it was not until after orders were given to prepare the troops for this service, that they had begun to arrange a plan of operations for making good their entrance into the Scheldt. They never contemplated the obstacles in their way, nor the sufficiency of the means of attaining their object. He could compare the undertaking to nothing but the instance of the architect, who was said to have built his chamber-floor, before he recollected the necessity of planning a stair-case. If the instructions were scrutinised, they would be found inconsistent with the state of the place, and those of one officer at variance with those of another. The instructions given to the marquis of Huntley were in the teeth of what was afterwards performed by the division placed under the command of that noble officer.

In the secret Committee however the House had been told that our men of war might pass Flushing; but that transports could not go by in the face of the enemy's fire from that place. The naval establishment at Antwerp, ministers said, had been growing for years; the late unfortunate attempt had long been with them a favourite object, and yet they had not attended to the preliminary and indispensable consideration, whether the defences of the river Scheldt could be passed, or whether they could easily be forced! (Hear!) The occupation of Cadsand was considered to be essential, and so it was; and it gave him some kind of pleasure to mention it, because it brought to mind the meritorious conduct of part of the naval service in the affair there. He meant the gallant conduct of captain Hanchett, of the Raven sloop of war, who bravely engaged the enemies batteries at Flushing and Cadsand for four hours in protecting a division of gun boats, and how did he represent the matter? The shells of Flushing, said the truly gallant captain, came aboard him, while the round shot from Cadsand went through him! (Hear!) Sir R. Strachan told them farther, that in this daring and perilous service the ship was crippled and grounded! Thus then an Expedition had been sent by ministers to force that passage without considering the means of effecting it! Then we came at last to Santvliet, another step in this romance of a campaign; for a romance it was, and, like a very celebrated production of that nature, contained, among other curious particulars, something about an attack on a wind-mill. (Hear!)

Sir Home Popham had stated, truly enough, that fort Lillo was a desirable object in making way to Antwerp; and that officer seemed to think that the introduction of a few rockets and shells would have influence enough with the people of that city to induce them to press for the surrender of the place: but it had not been shewn how (commanded as they were by a garrison and a citadel, and even by those very ships, which, by taking out their guns, could be carried above the city towards Dendermonde) the rockets were to persuade them to press the military for this surrender! Sir Home Popham, it appeared, would first mask Lillo; then perhaps, he would mask Antwerp, and go after the ships and attack them, if they were moved up the river. The opinion of gen. Sontag was also pretty sanguine. The general had been, he understood, in foreign as well as in the British service, and was said to have seen military operations upon a large scale; but his lordship did not know that his opinion in this case was much better for that circumstance. He had been at Antwerp in the times of Pichegru: but they were in this instance only considering the case of an Expedition of 17,000 men against Antwerp. The French empire could not have been so low in respect to military resources in this quarter, as to be unable to collect a considerable force speedily from Holland, from Flanders, from Westphalia, or from the vicinity of the capital itself, in a quarter, too, where it was acknowledged there were so many channels of communication. It was reported that there were very few troops left in Antwerp, but was that a sufficient reason for undertaking such an Expedition? Why, there might possibly not be more than one regiment in Portsmouth; but would Buonaparté send such an Expedition, if he could, to attack Portsmouth upon such information? Could we not, even though, perhaps, we have not above 10,000 regular effective troops in the country, collect our militia and other means of resistance in sufficient time and force to defeat his enterprize? Of our great army not more than 17,000 could ever get to Antwerp; and yet they had been told, that 40,000 men would be requisite to besiege it.

General Don undoubtedly had said, that great alarm was excited in Antwerp by the terror of the British fleet. As for the people the civil inhabitants of Antwerp, they were not so formidable from their numbers. The population, which had long been falling off, could not have received any great recent increase, unless we considered the number of military or naval persons stationed there, who were not ever included in the usual estimate of resident population. Every body knew that Antwerp was for a long time past the monument of departed greatness.

But a gallant general (Sontag) being asked how he could have reduced Antwerp, answered, by vigorous attacks on all the weak points: then came something about the windmill. But had we an army of such an amount to carry on the battering in breach? Was all this to be attempted on the faith of recollection, not quite accurate, of gen. Sontag? It was said, by bringing up a great number of guns. Very proper certainly! Then, how take Lillo? Why with cannons and mortars! and could not the enemy make use of dykes, and inundate a considerable part of the land in their defence? Oh! that was a circumstance never contemplated nor inquired into. But then, by what vigour, under all these circumstances, we were to get up to the ships and destroy them, if they were moved higher up the river, was a poser that had not been distinctly answered by any of the persons examined.

General Brownrigg was the only officer who considered the mode of attack likely to succeed.

In all his calculations, gen. Brownrigg proceeded upon the supposition that 30 pieces of ordnance were to be employed. In one instance, however, that officer had stated, that of these 15 should be heavy artillery and 15 mortars. But this division seemed only to have been adopted for the purpose of introducing a high sounding expression in the sentence immediately following, namely, that it would be necessary for the reduction of Antwerp, to assail it by "a vigorous bombardment and blockade." In the same examination, gen. Brownrigg, arguing hypothetically as to the arrival of the different divisions of the army, with their ordnance and stores at the intended points, gave it as his opinion, that Antwerp might have been taken by assault, if the army, &c. had been up on the 6th; and so far he sanctioned the confident expectations of the noble lord as to the mode of conducting the operations of the campaign, and participated in the sanguine views entertained by him respecting the effects of the bombardment, and the early arrival of the troops. It would be recollected, what impression this opinion, when stated, had made on the House, as to the practicability of the object of the Expedition; but then, afterwards, that officer had stated in answer to another question, that it had never been his opinion, that Antwerp could have been certainly reduced by a bombardment; and as to the ships, he admitted that he thought it would be difficult to destroy them at all, as they could be taken up the river, above the citadel of Antwerp. In another part of his evidence too, he had stated, that by a bombardment some of the materials for shipbuilding might be destroyed; but that it was not possible to destroy the docks or the arsenal by such an operation. In this evidence, therefore, they had the opinion of gen. Brownrigg positively stated that the great objects of the Expedition were impracticable, so far as respected the destruction of the ships and the demolition of the arsenal.

The next part of the evidence which it was necessary for him to notice; was that of General Macleod, who seemed to think that if the whole army had been, as it was projected, up by the 4th, the objects of the Expedition might have been attained; but it had been stated by the commander in chief of the Expedition, that it was impossible for the army to have arrived at Santvliet before the 6th. When asked as to the practicability of taking Antwerp by a bombardment, General Macleod stated, that on that point he could not be certain; but as to the destruction of the ships, he had given it as his opinion, that by the terror and effects of a bombardment the inhabitants of the town and the garrison might be so overawed, as to induce them to surrender the ships; though he admitted that object to be hopeless, when the ships had been taken up above the town. As to the idea of over-awing the imhabitants and the garrison, could it be for a moment supposed, that, in the present state of military strictness and discipline in the French territory, any such event could take place? or that the inhabitants and the military of Antwerp would, in order to escape the danger of our bombardment, expose themselves to the dreadful vengeance of their master? Besides, all General Macleod's calculations were founded on the supposition of good roads, of which, however, he knew nothing, and of which none had been found; as it was since known, that out of twenty-five miles of road, five miles were over a causeway, and the rest a deep sand. When asked what his opinion would be of the success of the Expedition, if the roads had been as good as he supposed, and the other circumstances favourable, under the actual state of preparation of the enemy, General Macleod answered, that he had put the enemy entirely out of the question. The House could not but perceive, that to leave the enemy out of the question in calculating respecting the operations of war, was a very accommodating principle. It also appeared, from General Macleod's evidence, that considering the length of the town, and the distance at which alone batteries could be constructed, there could be little chance of destroying the arsenal or docks, when the shells should be thrown a distance of above one mile and a half at objects not distinctly discernible: that the place was not to be taken by a *coup-de-main*, assailable only by a bombardment, and then not to be expected to surrender till a lodgment should be made on the glacis.

Having thus disposed of the different plans of attack as shewn in the evidence, he had next to observe upon the plan of Lord Castlereagh, which, according to that noble lord's own statement, was not to consist of long protracted operations, and yet was to have a powerful effect upon the affairs of the Continent; which was not to be directed to remote objects or a distant scene, and yet was amazingly to derange all the projects of Buonaparte; which was to take effect by a *coup-de-main* as a diversion in favour of Austria. and yet the troops were to be brought away in the moment of success. The noble lord, relying on the information he had received, expected that Antwerp could have been taken by assault; a circumstance actually impossible, according to the evidence of sir Wm. Erskine. The information received and acted upon by the noble lord had been produced before the secret Committee, and by them reported to the House. Though it appeared by that information, that the ditch of Antwerp was in some parts dry, owing to the falling in of the revetement, yet in other parts there was water, and sir W. Erskine had given it as his opinion that the breaches in the revetement might, in twenty-four hours, be repaired by the masons of the town, and the water in the ditch might in one tide be raised from three to five feet deep, which that officer would consider a wet ditch. When they considered also that there existed but one or two passes in the works made use of particularly by smugglers, practicable for the purposes of assault, and that these passes could so easily be secured, the House would be sensible that there never had been a chance of success by assault. But the noble lord stated, that in the event of the assault proving unsuccessful, the object was to be attained by a bombardment. And here the noble lord, with his accustomed versatility, was determined to have two strings to his bow; he was to have a bombardment, and a battering in breach; and whilst sending the whole disposable force of the country on a hopeless Expedition, employed himself in devising the means of executing his vigorous projects in every alternative. With this impression, the noble lord must in every case have his train of thirty pieces of artillery: and with them proposed to effect his *coup-de-main;* but when asked what his idea of a *coup-de-main* was, it appeared that it was to include an investment, a battering train, and a bombardment. It had been asked by the noble lord, whether the fortress of Schweidnitz had not been taken by a *coup-de-main*; but he might as well have asked, whether Troy had not been taken in that manner, as apply the term *coup-de-main* to such a military operation as he had had in view.

Next in the order of succession he had to notice lord Chatham's projects. That noble lord, however, as appeared had no fixed plan at all. He had been, to be sure, at Bathz; but though he had remained a month in the country, he had never formed any plan whatever. He had himself stated, that he had not formed any plan in detail; that the mode of attack upon Antwerp was to depend upon circumstances; and that he had not thought of any plan for that purpose, because the army had not landed on the continent. Strange it appeared to him that a general should defer devising any plan until he approached the end of his operations. But the ulterior objects had been given up, because the commander apprehended that before he could proceed to accomplish them, he should have to undertake perhaps two or three preliminary sieges. The Expedition, he contended, ought never to have been sent out, unless his Majesty's ministers had been well informed of the actual state of Antwerp, as well as the number of sieges that must necessarily have been undertaken, before operations could be commenced against that city. One might have thought that a general, sent out at the head of such an Expedition as that in which the whole disposable force of the nation was employed, should have formed some idea of the operations he was to conduct, and the sieges he had to undertake. It never had entered into the heads of any set of men but his Majesty's ministers to send out an Expedition in such a way. The whole army, he apprehended, was sacrificed, by its having been sent out without knowing that the Expedition could not succeed but after several sieges, when the only chance of success rested upon the possibility of accomplishing its object without such previous sieges or rather without any siege at all.

The ground stated by lord Chatham for relinquishing the ulterior objects, was the information he received that Antwerp was not in the state he supposed on his departure with the Expedition, its works having been repaired about the period of the sailing of the Expedition. The House had seen, by the evidence of lord Chatham, what respect he paid to the information upon which his colleagues had acted, when he stated, that, on his arrival at his destination he saw no reason to believe or disbelieve the information upon which his colleagues had decided to put to hazard the whole of the disposable force of the country. Lord Chatham had said also and it was essential to bear that statement in recollection, that if even the whole of the information were true, much of the probability of success against Antwerp would have depended on the circumstance of its being attacked without the intervention of preliminary sieges, as the army was not in a state to undertake sieges, and a *coup de main* was not practicable. The same was the opinion of general Hope, respecting the *coup de main.* Sir William Erskine, whose professional knowledge, displayed in his examination at the bar, intitled him to the admiration of that House—an admiration that must be enhanced by the consideration of the early age at which he acquired that knowledge, and the accurate recollection he preserved of the result of his practical observations after the lapse of a long period of time, had stated that, having been at Antwerp in 1794, he knew it to be secure against a *coup-de-main,* and that in one week it might be put in a situation to stand a siege.

It had been much insisted upon in the oral testimony at the bar, that as there were no guns on the ramparts, Antwerp was incapable of defence. But did gentlemen not bear in mind that Antwerp had now been made a great naval depot; that it contained a vast naval arsenal, and could, consequently, not be deficient in the ordnance necessary for its defence? Sir William Erskine, too, had said that it was not unusual to preserve the artillery, provided for the defence of fortified towns, by removing them till wanted to a place of shelter, from a state of exposure to the injuries of the weather. This led him to notice how little his Majesty's ministers seemed to have attended to the use which might have been made of the seamen and marines of the French fleet, for the defence of Antwerp; how little they seemed to be aware that this description of persons were the best calculated to serve on a breach! if they doubted of the fact, let them ask sir Sydney Smith—let them ask Buonaparté how small a party of seamen and marines from a single ship, at the memorable defence of Acre, arrested the victorious career of the French army, and obliged it to retire in disgrace from before that town.

But in order at once to shew the absurdity of any expectation of success from a *coup de main,* it was only necessary to state, that they had it in evidence, that by means of a line of telegraphs, information could be conveyed to Antwerp of the approach of our Expedition before their anchors could be dropped in the Roompot. Sir William Erskine, too, mentioned his doubts to sir Richard Strachan before the Expedition sailed; which were by him communicated to lord Castlereagh, and it had since appeared that all the predictions of sir William Erskine had been verified. Sir Eyre Coote likewise considered the attempt at a *coup de main* difficult and hazardous: the marquis of Huntley did not think it practicable; and general Calvert was of the same opinion with sir Eyre Coote.

The noble lord then proceeded to make some observations on the defective arrangements which had been made for the attack upon Cadsand, and the utter impossibility that lord Gardner could conform to his instructions by going into the Wieling passage without pilots. It had been said, that the French force appeared at Cadsand by a fortuitous circumstance. But that was a species of accident that generally happened to the French armies. They had always a force sufficiently strong, and at the proper time, in every place where it was wanted. These, however, were fortuitous circumstances which seldom occurred in our Expeditions. But in reverting to the information upon which his Majesty's ministers had acted, it appeared to him that there were peculiarities in it, which ought to have led them not to depend upon it. The person employed to procure this information, had stated the number of troops that could be collected at Antwerp in five days or one week, but the result of such information went only to shew, that the towns were not garrisoned, not that a considerable force might not in a larger period of time be assembled. In proof of this they had the report of the French general to his government, stating, that so early as the 3d of Aug. he had collected a considerable force at a point, where it might be seasonably directed to any quarter attacked. By perusing that report of the French minister, it would be seen that they contemplated the attack on Walcheren, and provision was made to defend Cadsand, without leaving Boulogne destitute. The enemy contemplated every attack which could have been made, and they anticipated our taking of Walcheren; but it was evident they never dreamt of any attack upon Antwerp.

He had thus shewn, upon all the data which formed the foundation of all the calculations, respecting the Expedition against Antwerp, that it was morally, if not absolutely, impossible that it should succeed. It then rested with him to shew, that if it was not really impossible for the Expedition to succeed, the nature and character of the arrangements made by his Majesty's ministers for conducting it rendered success actually impossible. Upon this point the evidence would bear him out, by shewing that neither a soldier nor a sailor could have gone up to Santvliet within four days after the arrival of the Expedition.

The noble lord then took a review of the various particulars in the instructions to the different divisions to prove this point, by shewing, that the division of gen. Coote was ordered to Walcheren; that of sir John Hope to the East Scheldt, to wait till a solid footing should be made in Walcheren by the reduction of Veere, Armeyden, and Haak, and then to take up a defensive position in South Beveland; that the division of the marquis of Huntley was ordered against Cadsand, and then to cut off the retreat of the French from Flushing, by effecting a landing between Zoutland and Flushing; and that the divisions of lord Rosslyn and gen. Grosvenor were ordered to remain in the rear for twenty hours, and not to proceed to the ulterior objects till the investment of Flushing should be completed. The artillery too had been divided into two parts for the first and second objects; and the second part had not sailed from the the Downs till the 3d of August. From all these circumstances, and a variety of other passages in the evidence to the same effect, the noble lord inferred, that the army could not have proceeded to the ulterior objects according to the arrangements of his Majesty's ministers until after that period, when even the most sanguine looked upon success as impossible. These arrangements were, first that the ulterior objects were not to be prosecuted till the investment of Flushing was completed; 2dly, That sir J. Hope was ordered to take a defensive position in South Beveland; 3dly, that the war ships should not be involved in the narrow and intricate navigation of the Scheldt; and 4thly, that the artillery and ordnance had been divided into two parts, and the second had not sailed from the Downs till the 3d of August. As to the preparation for carrying this plan into execution, he should not think it necessary to refer to the evidence, but leave it to the House to decide, whether, on the suppositions, the romancing suppositions on which it had been formed, it was possible that the Expedition could have ever reached Antwerp. But if the noble lord had ever entertained that expectation, the passage he had quoted from the evidence must shew him that there was no ground whatever to calculate upon such an operation. Upon the subject of the conduct of the naval and military part of the Expedition, he was of opinion that no blame rested with either. But if any blame was to apply, that House had no right to interfere, unless it should be necessary to apply, by address, that the matter should be referred to the proper tribunal. He had a full persuasion, that the House would agree in the resolution, that no blame was imputable to the naval or military commanders.

He had, until then, considered the Expedition in a military point of view. It had been said that it had the elements to encounter, but it had a much more dangerous enemy to contend with in the disease brought on by its having been sent to that pestilential climate at that pestilential season. That disease was well known to professional men; it must have been known to his Majesty's ministers also. Lord Mulgrave, in the year 1794, commanded in Walcheren, when the brave troops he commanded suffered under the same disease, and that noble lord knew that on their return they fell equally victims to the destructive influence of the disease. Ministers had, however, not consulted one medical man either as to the mode of cure, or what would be better, as to the best course for the prevention of this dreadful malady. It might be said, however, in their justification, that secrecy was necessary in the first instance; but what excuse could they plead for not having taken such advice on the repeated applications for medical aid, medicines, and warm clothing for the suffering sick in the pestilential marshes of Walcheren. The noble lord then read extracts from the various pressing letters received on this subject from sir Eyre Coote, inclosing the urgent applications of Mr. Webbe for assistance to be sent out in a fast sailing vessel, from the second of September, downwards, till at length, when half of the army had perished, two medical men were sent out to investigate the nature of a malady which had been long a matter of notoriety in this country. He came in the next place to consider the last, though not the least important part of the question. He wished to ask his Majesty's ministers, for in the evidence was contained no information, with what hope, with what prospect, with what possible chance of public advantage, they kept our brave troops in that pernicious climate, perishing ingloriously by the destructive ravages of its peculiar malady? He wished to ask how they could have reconciled such conduct to any notions of public duty, or national interest, after the information received from sir Eyre Coote, that there were eight thousand sick in the island in the month of September? How could the delay in sending out relief have happened, when sir Eyre Coote wrote so pressingly for blankets, warm clothing, and medicines; communicating at the same time that the sick were lying in hospitals without roofs, and almost without medicines, and would actually have perished for want of these necessaries if they had not been relieved by the smugglers.

Was this a situation for an English army to be placed in? However severe the task was, he felt it his duty to expose the authors of these calamities. A country, the only free one in the annals of history, should not submit without a severe retribution to have its blood lavished, its treasure wasted, without an expectation of advantage to the mother soil. He unfortunately was not endowed with sufficient talents to be eloquent, but he wished he was possessed of those of Cicero, that he could picture, in its true light, the losses his country had sustained from a weak and imbecile ministry. His country was not to blame; he did not believe there was a stain upon it; and if there were, he would put his foot on it, and alone by his efforts endeavour to erase it: Englishmen were too free to be impure, they possessed that which made them not only the dread, but the admiration of the world. (Hear, hear!)—It was to rescue such men and that country from the direction of persons who had shewn their incapability, that he called upon the House to give him their assistance on this important occasion.

As to the unprecedented delay in sending out medicines and medical assistance to our suffering army, he was not disposed to attribute all the blame to government, but to the effect of that miserable subordination of departments which required that such applications should pass through three or four offices before it could arrive at the department whose duty it was to comply with them. The secretary who conducted the affairs of the war, should possess a controul over every inferior department, and issue the necessary orders directly to each. If the medical board had been efficient, he should not blame his Majesty's ministers so much; but that board was known to have been divided; and he believed the determination had been taken to get rid of it before the Expedition sailed.

When it was known that our soldiery were perishing in such a manner, why had they been left to the ravages of the malady without immediate and effectual relief? When lord Chatham relinquished the ulterior objects of the Expedition, why had not Flushing been completely destroyed, and the army withdrawn from that frightful scene of contagion and death, whilst it could yet be called an army? They could not be told that it was necessary to keep Walcheren as a military position, because it would cost more to retain it than it was worth; because our frigates could not at any time remain in the Vere Gat, Ter Vere being within range of the shot and shells of the enemy; and because the island could never be maintained unless by keeping up a large permanent naval force to secure it. Could the population of this country supply the waste that would be the consequence of retaining possession of that unhealthy position? Gen. Don, had, in the end, been obliged to apply for reinforcements, in order to enable him to bring off his hospitals, which would have been in danger of falling into the hands of the enemy, if the naval line had been forced. What could have induced the ministers to be so callous to the representations of the sufferings of the army, which all the country sympathized in with the most painful feelings? Why had they delayed till the winter the evacuation, which should have taken place as soon as the ulterior objects of the Expedition had been given up? Were his Majesty's ministers occupied in considering the means of retaining Walcheren, or of retaining their own offices? (Hear, hear!) Had the heart-rending accounts of the sickness of the troops made any impression upon their minds, they never would have exposed the army to the calamities it had endured. That intelligence would have induced any other men to use their efforts to save a sinking, a perishing army; but it was the signal to them to renew their own disunion. (Hear, hear!) It was not against the enemy that they directed their powers, they employed them only in preying upon themselves.

"Validas in viscera vertere vires."

That time which they should have devoted to the public interests, and the preservation of the army, they employed in their paltry intrigues and cabinet bickerings. The intelligence of the calamitous sickness of the troops was received on the 2d of September; on the 8th lord Castlereagh resigned; and on the 17th lord Liverpool's letter was dated, so that the whole of that period, which should have been taken up in devising measures for the restoration of the health of the army, was consumed in the most disgraceful squabbles for office. It could not be denied that the secretary for the home department thought that the secretary for the war department was inefficient; it was proved; for the country, and all Europe knew they had come to action; it was not for him to set forth who had conquered. Another engagement subsequently took place, not so bloody indeed, although perhaps the main object was greater: it was no less than a contest who should be premier; and there finesse conquered diplomatic abilities. The House and the country were already in full possession of the facts; at least of the first fracas; as the noble lord and the hon. gentleman had not only displayed their literary abilities on the occasion, but had become their own publishers.

The noble lord had but one more remaining topic to touch upon, respecting the defence set up by ministers, on the ground that they had retained Walcheren to effect a diversion in favour of Austria. He then commented upon the letter of Mr. Bathurst, and shewed from the date that it could not have had any effect in inducing the retention of Walcheren; as the Austrian minister did not even know where Walcheren was, and the letter from the court of Buda did not desire the continuance of hostilities on our part in Holland, but a diversion in the north of Germany. His Majesty's ministers could not but be sensible then, that the question respecting the diversion was not made out by the papers. General Don had stated that this Expedition would have operated as a great diversion in favour of Austria, by making it incumbent on the French to send a large force to Brabant, which would otherwise have marched to the Danube: as if any feeble efforts of ours could, at that dreadful period, have controuled the destinies of the continent. There was also another opinion in favour of its having operated as a diversion, that of colonel Mosheim. The only instance, however, of its having operated in that way, which he was able to mention, was the return of a battalion or two from Louvain. But at this very moment that ministers were speculating in diversions, France had every where as great a force as was necessary for the complete defence of her vast empire. In estimating the value of these diversions, it was the duty of the House to consider whether the advantages, likely to result from them to our allies, were sufficient to outweigh the calamities which they had inflicted on our own country.

It had been held out too that the Low Countries would have risen in our favour, but, unfortunately, the reverse was the case; they were as cold as icicles, and it would have taken more bullion, than England possessed, to thaw them; not a soldier had it drawn from the army opposed to Austria; so far from it, it gave Buonaparté possession, or a knowledge of a force, that he was almost ignorant before he did possess: the steady attachment and unvarying zeal of the vast population over which he ruled.

In stating by way of analysis as briefly as he could the evidence on this subject, he had necessarily gone to great length, but the importance of the question he trusted would entitle him to the indulgence of the House. It was now his wish to turn his eyes away from the contemplation of the most calamitous and disgraceful Expedition in which this country had ever been involved: an Expedition which failed not through any defect of courage in the men who were employed in it, or of precaution or talents in the persons who commanded but entirely through the ignorance, rashness, and impotence of those who planned it. This fatal Expedition had terminated in national disgrace, almost in national despondency. It was the bounden duty of the House to visit such impolicy and misconduct with its utmost indignation. If hon. members only read the evidence attentively, they would see such cause of censure, that they would think the resolutions which he had to propose were not only just, but most lenient. He would rather be censured for not moving resolutions strong enough, than for proposing those of a contrary nature. He boasted with his fellow countrymen, that he had an inclination to mercy; but if he were to ask for justice, his ability would not allow him to word his resolutions strong enough: men who had suffered their countrymen to fall victims to an unwholesome clime, without a prospect of their country being benefitted; men who saw this, knew it better than he could repeat; yet, for the sake of a little pelf or power, grinned at it without remorse; men who daily told them they were the only fit persons to govern the country; they were the friends of Majesty, had the confidence of their Sovereign, and were the only fit persons to rally round him.—There was not a particle of evidence delivered at the bar of that House, that did not go to prove their incapacity, and that they were the very reverse of every thing they had laboured to make the House and the country believe. (Hear! hear!)—The Gazette even proved that the Expedition was not intended as a diversion in favour of Austria; that country was sensible it was never intended as such. The world knew it was not; and there was not a cabinet in Europe that did not laugh at those who could have been so weak and imbecile as to have projected it. Under all those considerations, he would now submit a set of Resolutions for the adoption of the House; to the greater part of these he could anticipate no possible objection, as they were founded on the minutes of evidence, in the possession of members. His lordship requested that the clerk, as he himself was almost exhausted, might be permitted to read the Resolutions; but this being against order, lord Temple kindly undertook the task. They were as follow:—

"1. That on the 28th of July last, and "subsequent days, an armament, consisting of 39,000 land forces, 37 sail of the "line, 2 ships of 50, 3 of 44 guns, 24 frigates, 31 sloops, 5 bomb vessels, 23 gun-brigs, sailed on the late Expedition to "the Scheldt, having for its object the "capture or destruction of the enemy's "ships, either building at Antwerp or "Flushing, or afloat on the Scheldt; the "destruction of the arsenals and dock-yards at Antwerp, Torneux, and Flushing; the reduction of the island of "Walcheren; and the rendering, if possible, the Scheldt no longer navigable "for ships of war.

"2. That Flushing surrendered on the "15th of August, whereby the reduction "of the island of Walcheren was completed: and that on the 27th of August, all "attempts on the fleet and arsenals of "the enemy at Antwerp were, by the "unanimous opinion of the lieutenant-generals, declared to be impracticable, "and were abandoned.

"3. That the destruction of the basin, "dock-yard, arsenal, magazines and naval "store-houses of the town of Flushing, "and of such part of the sea defences as "it was found proper to destroy, having "been effected on the 11th of December, "the island of Walcheren was on the 23d "of December evacuated by his Majesty's "forces, and the Expedition ended.

"4. That it does not appear to this "House, that the failure of this Expedition is imputable to the conduct of the "army or the navy in the execution of "their instructions, relative to the military "and naval operations in the Scheldt.

"5. That on the 19th of August a ma-

"lignant disorder shewed itself amongst "his Majesty's troops; and that, on the "8th of September, the number of sick "amounted to upwards of 10,948 men.

"6. That it appears by the report of "the physician appointed to investigate "the nature and causes of the malady to "which his Majesty's troops were thus "exposed, that the disease is one which "prevails periodically in the islands of "Zealand, and is of peculiar malignity "there, and which constantly follows a "law of season, appearing towards the "end of summer, becoming more severe "in the autumnal months, declining in "October, and nearly ceasing in November. That perfect recoveries are rare, "convalescence never secure, and that "the recurrence of fever quickly lays "the foundation of complaints which "render a large proportion of the sufferers inefficient for future military purposes.

"7. That of the army which embarked "for service in the Scheldt, 60 officers "and 3,900 men, exclusive of those killed "by the enemy, had died before the 1st "of February last, and on that day 217 "officers and 11,269 men were reported "sick.

"8. That the Expedition to the Scheldt "was undertaken under circumstances "which afforded no rational hope of adequate success, and at the precise season "of the year when the malignant disease "which has proved so fatal to his Majesty's brave troops was known to be most "prevalent; and that the advisers of this "ill-judged enterprize are, in the opinion "of this House, deeply responsible for the "heavy calamities with which its failure "has been attended."

There was also a second set of Resolutions, as follows, relating to the retention of the island of Walcheren:—

"1. That lieut.-gen. Sir Eyre Coote "having, on the 9th of September, been "left in the command of Walcheren, with "an army of about 15,000 men, did, on "that day, make an official report on "the state of the island, the extent of "force required effectually to guard it, "the nature and condition of its defences, "and the number of men then sick and "unfit for duty; representing that after "such his exposition, his Majesty's ministers would be the best judges of the "propriety or possibility of keeping the "island; and adding, that the advantages must be great indeed which could "compensate the loss of lives and treasure "which the retention must necessarily "occasion.

"2. That on the 23d of September, sir "Eyre Coote stated to his Majesty's ministers, that the alarming progress of "disease was such, that if it should continue in the same proportion for three "weeks longer (as he added there was "every probability that it would), our "possession of the island must become "very precarious.

"3. That on the 6th of October sir "Eyre Coote, after stating that the number of sick was increasing, and that the "effective force was thereby rendered so "trivial, as to make the defence of the "island if it should be attacked, extremely precarious, did express his anxiety to "be informed of the intentions of his "Majesty's government as to the future "state of Walcheren.

"4. That notwithstanding these, and "many other pressing representations, on "the alarming condition of the troops, "and the danger to which they were exposed, his Majesty's ministers did neglect to come to any decision until the "4th of November, and that the final evacuation of Walcheren did not take place "until the 23d of December.

"5. That on the 10th of September, the "number of sick in the island of Walcheren was, exclusive of officers, 6,938; "and that the total number of sick embarked for England, between the 15th "of September and the 16th of November, was 11,199, making in that period "an increase of sick of 4,268.

"6. That although the great object of "the Expedition had been abandoned as "impracticable, a large proportion of the "British army was (without any urgent "or determined purpose in view, or any "prospect of national advantage to justify such a hazard, or to compensate "such a sacrifice) left by his Majesty's "ministers to the imminent danger of attack from the enemy, and exposed during a period of more than three months, "and under circumstances of aggravated "hardships, to the fatal ravages of a disease, which on the 31st of August had "been officially announced to be daily increasing to a most alarming degree.

"7. That such the conduct of his Majesty's advisers, calls for the severest "censure of this House."

The first Resolution having been read from the Chair, Lord *Castlereagh* rose and spoke as follows:

Mr. Speaker; From the share which I bore in the councils and execution of the measure, now under consideration, the House will not think it unnatural, that I should feel anxious to seize the earliest opportunity of submitting to them the grounds on which this Expedition was undertaken, and upon which I trust they will be of opinion, that it was not only justifiable, but imperiously called for by the strongest considerations of policy. I feel that I cannot discharge the task which my public duty and situation impose on me, without experiencing a large portion of the indulgence of the House. The nature of the subject itself, and the course which the noble lord has very naturally pursued in his speech, render it impossible for me to compress what I am bound to submit upon this occasion within a very narrow compass. The task that I have to perform, must be attended with additional difficulty; as the greater part of the subject is of a professional nature, to the discussion of which I come with peculiar circumstances of personal disqualification. Solicitous to save the time of the House, I shall discharge the duty imposed upon me as briefly as circumstances will permit; and shall principally trust to the recollection of the House with respect to the general import of the evidence recorded on the Minutes, quoting those passages only, which it appears to me to be essential to consider with precision, in order to come to a conclusive judgment upon the case. I feel that I should be guilty of ingratitude to the noble lord, if I did not express to him my personal acknowledgements for the opportunity which his lordship, in the discharge of his public duty, has afforded me of laying this important transaction, in all its bearings, before the House and before the public. However the professional parts of the subject might, perhaps, have been more conveniently considered elsewhere and before another tribunal, there is no other place than this House, where it would have been possible satisfactorily to state the nature and objects of the Expedition under discussion, to separate them from the mass of calumny and misrepresentation, with which they have been enveloped, and to bring them to that point and issue in discussion upon which a rational opinion may be formed concerning them. Had the case been referred to another tribunal, the country would never have been persuaded that the accuser had elucidated those parts of the question, which might be considered as pressing with most force upon the government. It is only to that political hostility which is interwoven in our constitution that the public can look with confidence, on occasions like the present, for the full and rigid examination of such a question. I trust the House will do me the justice to admit, that I have not personally shrunk from enquiry, or been backward in bringing forward every description of information, which could throw light upon the matter in issue; and without imputing to the noble lord, or to those who have acted with him, any spirit as actuating their proceedings of which I am entitled or disposed to complain, I think I may venture to assume that the character of the accuser has not been so entirely merged in that of the judge, as to justify apprehension in the minds of the public, that the arguments on the whole matter have not been pressed with every degree of hostility necessary for the investigation of truth. It must also be satisfactory to them to find that whatever difference may have prevailed with respect to the propriety of excluding strangers from the House, during the progress of the enquiry, scarcely a sentence has been uttered which does not appear on the printed minutes of the evidence. I believe on no former occasion has an enquiry been conducted in a manner more creditable to those engaged in it, or better calculated to bring the whole subject into view.—Not a single question has been stopped, and on very few has any discussion taken place.—I trust therefore I may assume, that the whole has been brought to a fair issue, and if in opening to the House on this day the considerations which have influenced my own conduct, I express myself in a tone of confidence, of which I cannot divest my mind, in retracing the course which I have pursued, I hope the House will not attribute it, to any feeling of unbecoming presumption, or above all to any unwillingness to submit myself with all deference to their judgment.

Having stated thus much as to the situation in which the discussion now stands, and to the manner in which it has been brought before the House, I cannot refrain from observing on the singularity of the issue, on which parliament is called upon practically to decide. I assure the noble lord, that I have no disposition to decline any species of discussion, that can be raised upon the subject, when I express my belief of its being altogether a novel proceeding to call upon the House of Commons to decide not upon the merits of a military operation, which has been actually tried and has failed, but to pronounce a speculative opinion whether if the force allotted for the main object of the Expedition, viz. the attack on Antwerp, had reached its destination, during the period within which its arrival was reasonably to be expected, it would or would not have been successful; the government is called upon to answer not for an Expedition the principal object of which has been defeated upon trial, but for one which in its ultimate object has never been tried at all. An hon. member (Mr. Whitbread) said upon a former occasion, in describing the impotence of the attack and the power of the enemy to repel it, that the lion of France had swept off the fly with a lash of his tail, but he ought to recollect, that it was not the strength of the enemy, that swept us off; it was the force of the elements, that first thrust us aside from our object, and the overwhelming power of disease, that at a later period of the operations, stood between us and their accomplishment. The chief object of the Expedition was the reduction of Antwerp and the capture of the enemy's fleet and arsenals, and the practicability of our success mainly depended on the speedy arrival of our Expedition at Sandfleet.

Our arrival there early or late in August constituted two distinct cases, which must never be confounded in argument or decision. As matters turned out the operations against Antwerp, &c. never were fairly brought to the test. In stating this I wish not to evade the discussion of the question even on speculative or probable grounds, I am willing to meet those who condemn the operation, on any principles of argument they may chuse to adopt. I have courted the investigation of this question not less from a sense of duty, than from a deliberate and thorough conviction, that the merits of the Expedition stand on a rock not to be shaken. I have even gone out of my way to point the attention of the House to views of the subject, which might be considered as pressing with peculiar weight upon myself, being fully satisfied that the grounds upon which my colleagues and myself have acted were wise in themselves, and wishing to owe no part of my justification to reserve or concealment.

Before I state the grounds on which the measure was originally taken up and prosecuted by his Majesty's government, it is necessary for me to advert to the professional opinions called for upon this subject and which are now before the House, and to examine whether those opinions, under the circumstances in which they were required and given, were such as ought to have induced ministers to abandon the object, which they had in view; these opinions consisted of five military opinions, given by the Commander in Chief and the principal officers of his staff. When my sentiments with respect to the effect of those opinions, were called for by a question in the Committee, I was not desirous of ultimately evading the examination of those opinions, but of reserving for more ample discussion, than could be comprised in an answer to a question put to me as a witness, a consideration that must obviously be matter of reasoning rather than of evidence. And here I must freely acknowledge, that had it not been for special circumstances, which I shall presently explain, it is probable that I should not have been enabled to bring before the House any written military opinions at all. I make this confession with less hesitation, because I never can admit the principle of its being obligatory on government to undertake no expedition against the enemy, without being possessed previously of written opinions from military authorities.—On former occasions of this nature, I am free to confess, that I should not have been enabled to produce any such sanction for the measures I pursued.—In the instances of the operations against the Cape of Good Hope, against Copenhagen, against Martinique, against Guadaloupe, and those for expelling the enemy from Portugal, I thought it my duty to bring those operations under the consideration of government, and to issue the orders for their execution, undoubtedly not without much communication and conference with military authorities, but certainly without taking or thinking it necessary to call for any formal opinion in writing. And why? because I considered the opinion of military men, given freely in discussion, to be infinitely more advantageous than any more regular or formal opinion, which they would feel themselves authorised to give upon any specific and precise case that I could state for their consideration, the technical distinction which officers take between military opinions given formally in writing, and those which may be collected from them in conversation and discussion, will be best understood by reference to lord Chatham's evidence; lord Chatham says that his opinion was never given formally as an officer, on the Expedition to the Scheldt, and why? Is it to be supposed that lord Chatham was never consulted upon the Expedition; or will it be imagined that lord Chatham did not approve of the Expedition? No, it was because his Majesty's government had the advantage of lord Chatham's opinion in a better and more satisfactory mode. If it were the object of a government to protect themselves against responsibility, then assuredly they would not move a step without formal written opinions, but if without desiring to avoid the responsibility which belongs to their situations, and from which it is their first duty not to shrink, they wished only to obtain military information, there is no mode less likely to afford it, than that of calling for written opinions, nor any method better calculated to produce it, than those conversations in which military men, divested of responsibility, will freely detail all the grounds on which their sentiments and views are founded. The distinction here taken must be obvious: when a military case is put upon paper it must be stript of all probabilities and contingencies, and stated in as strict a manner as a legal case would be stated to a lawyer. Can it be supposed that the various circumstances upon which the policy, or impolicy of a military operation hinges, can be ascertained with such accuracy previous to a decision on its expediency as to admit of their being accurately detailed and enumerated as premises from which a conclusion is to be drawn; either the case must be stated only upon such facts as are known upon clear and positive information, and the answer to it must consequently exclude all probabilities and contingencies; or what is merely probable and contingent must be assumed as certain, in which case the opinion would be given upon erroneous data, and would probably be falsified by the event.—It has therefore been my official practice, so far from endeavouring to shift responsibility upon points of this nature from my own shoulders, to relieve officers as far as possible from any participation in it; the responsibility of the execution belongs to them, but for the propriety of embarking in the undertaking his Majesty's government ought to remain alone responsible.—It is not on this account less the duty of ministers to resort to the advice of professional men, and to avail themselves of their experience and information, but certainly this duty cannot be executed in the best practical manner by calling on persons of that description to answer dry and imperfect cases stated in writing.—It is the same in other professions, for instance in that of the law, the title of an estate may be open to objections, and yet those objections may be of such a nature as not materially to detract from the value of the property; if the case on such a title were referred to counsel, his answer on strict legal grounds must necessarily be that the title is not a good one; nevertheless speaking practically he might not hesitate to represent the purchase as eligible, or even to become himself the purchaser of the estate, against his own professional opinion.—In the present case, where suppositions are put to general Calvert, of the works at Antwerp being imperfect, or the garrison inadequate, and he is asked how far his judgment of the probability of success was influenced by those circumstances, his observation immediately is, "those are considerations for the government to judge of, with which as a military man I can have nothing to do, my military opinion can only be founded upon the supposition that the place is in a proper state of defence, adequately garrisoned, and that the governor and garrison will do their duty. Having stated to the House, the reasons why I should not have felt it necessary on any general principles of ministerial practice to call for written opinions from the military officers who were consulted, I must now state the special grounds, upon which I was induced to do so in the present instance. The attention of the government had been directed for a considerable time to the growing naval power of the enemy in the Scheldt; in considering the lines of operation by which it might be assailed, two only suggested themselves for decision, viz. either a movement across Flanders to Antwerp, after landing at Ostend, or a conjoint Expedition by the Scheldt with a view of landing a considerable force higher up the river as near to Antwerp as possible. In the many conversations which took place on this subject previous to a decision, it seemed indisputable that considerable difficulties must attend either of these operations, but it appeared that the impediments to that by which the army must cross Flanders from Ostend, were the more serious, if not absolutely insurmountable; to bring the question distinctly to a point, I thought it material to obtain the professional opinion of the commander in chief upon this part of the subject, in order that (if adverse) the admiralty might proceed on their part to form a decisive opinion how far the conjoint operation by the Scheldt, which depended on the power of the navy to land the army at Santfleet, was, or was not practicable.—The answer of the commander in chief, which may be considered as conclusive against the operation by Ostend, was received by me on the 3d of June, and was immediately communicated to the admiralty for their consideration, this produced their memoranda of the 9th and 19th of June, in which the naval lords declare their professional opinion and undertake to carry the armament up the West Scheldt, to land the army at Santfleet and to bring it off again, provided one bank of the river should be in our possession.—It may be necessary here to observe, that my letter of the 29th May only called for the opinion of the commander in chief, and that it was at his instance, and not at mine, that the opinions of the officers of his staff were obtained.—How far these opinions were intended to be official and to be of a produceable nature it is not for me to say, but I certainly am extremely happy, that they have been brought into view, as they have served to put the question upon its true issue at the outset, and have shewn that this was not an operation which his Majesty's ministers thought themselves entitled to undertake in contemplation of certain and complete success, but an attempt which they considered themselves bound in duty to prosecute upon a balance of its advantages and risks.—The officers who gave their opinions appear by the evidence to have delivered them under the impression that an Expedition to the Scheldt had (in principle at least) been previously decided upon; a mistake into which they may very naturally have fallen from observing the preparations for service that were in progress, and from the earnestness with which the investigation of the subject was pursued, but I can assure the House that the Expedition was not finally determined upon by the King's government till the 21st of June.—It is true that on the 14th of June his Majesty's authority was received for holding the force in readiness for immediate embarkation, orders for which were signified in my letter to the commander in chief of the 18th of that month, but it was not until the decision of the admiralty of the 19th of June upon the landing at Santfleet was received that the final determination of ministers was taken and submitted to the King.—In referring to these opinions, that of the Commander in Chief naturally first attracts attention, not only as coming from a person in high official situation, but as carrying with it great authority from the military reputation and character of the individual by whom it was given. It is natural for those who argue against the expediency of this operation to contend that ministers ought to have been discouraged by the opinion in question, but admitting all the weight to which the sentiments of the commander in chief are entitled, I am prepared to maintain that this is not the conclusion fairly to be drawn from his opinion.—After examining the objections to the operation by Ostend, he proceeds as follows. "It therefore appears that the advance through Flanders is attended with very great difficulties, and that at any rate a return by the Scheldt is most expedient and eligible, it would follow also that the attack should be directed from that side, and be a combined naval and land operation, the detail of which must be well considered and arranged by both services."—I must stop here to observe that it is not possible to conceive if the operation, alluded to, had been considered by the Commander in Chief as either impracticable in itself or inconsistent with the principles of military prudence, that he would have been disposed to point it out as requiring consideration and arrangement, it would have been more natural for him to have applied to it that language of disapprobation and of protest, which characterizes the former part of his opinion relative to the march from Ostend, and I certainly feel myself entitled to state, without throwing upon the Commander in Chief the smallest responsibility, with respect to the policy of the late Expedition; that in none of the various communications held with him by me on this subject, did I understand him professionally to remonstrate against it, as an operation, in which the force of the country would be improperly exposed. With respect to the particular hazard which the armament might incur, the Commander in Chief proceeds to observe, "In whatever way Antwerp is to be approached or taken, the service is one of very great risk, and in which the safe return of the army so employed may be very precarious from the opposition made and the length of time consumed in the operation, which enables the enemy to assemble in a short time a great force from every part of the Netherlands and Holland, and even from Westphalia by the course of the Rhine as well as from the frontiers of France."—Here the risk in the contemplation of the Commander in Chief is obviously depending altogether upon the means which the enemy might possess of assembling a force upon Antwerp during the progress of the service. What these means were, did not constitute a question to be decided by professional judgment, but could only be collected from the information received concerning the number and description of troops which the enemy then had in the countries adjacent to the Scheldt; it was for government and not for the Commander in Chief to decide on the nature and authenticity of that information. I shall be prepared to contend hereafter that the enemy's force was not such during any period of the operation down to its close, and even subsequent to the time within which the accomplishment of all our objects might have been reasonably expected, as could have essentially endangered the safety of the army employed. I trust therefore it will appear that the only remark in the report of the Commander in Chief which can be considered as adverse to the undertaking refers entirely to a contingency, which never actually existed during the late service, and that it cannot therefore be taken as an authority against the judgment formed by the King's government upon this subject. The next opinion which has been relied upon as decisive against the undertaking, is, that of colonel Gordon. In any comment I have to offer upon that opinion, I wish to speak of it with the respect I entertain for that officer; I consider the same observation to be applicable to his opinion which I applied to that of the Commander in Chief, viz. that he would hardly have wasted his military ingenuity in contriving modes by which the government might be enabled to carry forward operations, which bad defiance to all known maxims of military prudence. After disposing of the project of operating by Ostend, Colonel Gordon proceeds to state "the second mode for consideration is the maritime operation for acting with our land force from our ships of war on the banks of the river Scheldt. It is imagined that the disembarkation of the troops might be protected as high as Sandvliet, which is within 20 miles of Antwerp, if this could be done and a landing in some force effected at Sandvliet, it might be possible to march direct upon Antwerp, at the same time that a corps endeavoured to take possession of the forts and batteries upon the river, and that the boats of the fleet well manned, armed, and towing launches with troops proceeded with the tide direct to the city. That this would be a most desperate enterprize could not be doubted, and that in the attempt whether successful or otherwise a very large proportion of our naval and military means would be put to imminent hazard, but it appears to be an enterprize of less risk, and one which could be brought to an earlier issue and attended with less expence than that which has been considered in the first part of this paper." Now I beg leave to contend that colonel Gordon's suggestion of the enterprize being desperate is referable to his own plan of operations as suggested in this paper, and not to that which it was in the contemplation either of his Majesty's ministers or of those who were charged with the conduct of the operation, to carry into effect. I perfectly concur with colonel Gordon that the project of embarking a force in launches, and endeavouring to pass them with the tide up to Antwerp with a view of taking that city by storm on the side of the river, before the works were either carried or on the point of being carried by an army on the land side, would have been not only a desperate, but an almost impracticable undertaking, more especially in the state of the enemy's defences between the forts of Lillo and Liefkenshoeik, but it would be doing great injustice to colonel Gordon's military opinion, to suppose, that he meant to assert, independent of all consideration of relative force, that the landing a considerable corps at Sandvliet with a view to an advance by land on Antwerp must necessarily be a desperate enterprize; that such would not have been the case has been established by the evidence of every officer examined before the Committee; sir

William Erskine is the only officer who contends that a landing so late even as the 25th of August would have exposed the army to risk; all concur in opinion that an advance on Antwerp early in August might have been effected with perfect facility, and without the enemy's having the power to assemble any considerable force to oppose us in the field; how long the operation might have been prosecuted and with what prospect of success it would have been attended are distinct questions, which I shall have to argue hereafter; but that this enterprize would have been in its nature most desperate is refuted by the whole current of the evidence, and is pointedly denied by the quarter master general of the army in his answer to the following question put to him on that subject. "Q. Supposing the operations of the army to have been conducted with the due precautions, do you consider that the security of the army was improvidently hazarded from the nature of the enterprize itself?—I do not." It is impossible then to understand colonel Gordon's reasoning to apply to the case upon which the House has actually to decide.—Colonel Gordon was called upon for his ideas upon the subject by the Commander in Chief, and has submitted to him a suggestion on which he reasons; his reasoning appears generally correct, as applied to the view of the question which he was induced to take; but it can by no means be considered as having any just application to that upon which the Expedition was ultimately undertaken. I shall not think it necessary to detain the House in commenting minutely upon the three other military opinions; viz. those of gen. Calvert, gen. Brownrigg, and gen. Hope; it is enough to remark, that as gen. Brownrigg and gen. Hope both contemplate a *coup-de-main* against Antwerp under certain favourable circumstances as possible, their opinions can scarcely be relied upon as conclusive against the practicability of such a measure; neither can gen. Calvert be considered as so stating it, who sums up his opinion in these words, "The service would be hazardous and the troops employed in it be exposed to considerable risk, but I humbly conceive the operation in this point of view does not present the same insuperable difficulties which I must be of opinion would attend an attempt to perform the same service by a debarkation at or in the vicinity of Ostend and by a movement from thence to the point of attack."—I must also observe that both gen. Brownrigg and gen. Hope in their opinions bring strongly into view the advantages to which the effort might lead, even without attaining complete success; viz. those of a diversion in favour of Austria, and the capture of Walcheren, on the importance of which I shall have to speak hereafter.—In quoting and reasoning upon the opinions of these distinguished officers, I beg it may be considered that I do not refer to them as giving such countenance to the undertaking as to bring upon them the slightest professional responsibility; they felt it to be their duty, as no doubt it was, to point the attention of government to the difficulties of such an attempt. With such opinions before them, from quarters so respectable, it became the duty of government fully to weigh the nature and magnitude of the difficulties with which they would have to combat. It rested with the King's ministers upon their own responsibility ultimately to appreciate and decide on those difficulties. Ministers did not disguise from themselves that the obstacles to success were serious in their nature, but at the same time they could not consider them as insuperable, or such as in their judgment should preclude the attempt.—It cannot be expected that at this distance of time I should furnish the House with detailed statements of all the proceedings adopted by government with a view to the investigation of the subject; but it will be recollected they had the advantage of two professional opinions within the cabinet, they had repeated communications with professional authorities in both services, they were possessed of much information respecting the state of the enemy, and I therefore contend that they were justified in forming their own decision upon the subject, and that I am entitled in defending that decision to consider the question as not disposed of upon the authority of written opinions, but as still remaining open to fair examination.—That it has not been the practice in former times for ministers to frame their decisions in all cases upon written opinions, and to consider themselves as precluded from all defence of their conduct unless they could produce opinions of that description in justification of their measures, I apprehend may be established from a reference to the history of every former administration. In support of this position, I should wish to refer the gentlemen on the other side of the House to the experience of their own administration, as likely to have most weight in their judgment. I beg it may be understood that in referring to their military operations, I do not wish to do it invidiously; whatever difference of opinion may have prevailed on those subjects at the time, and whatever may have been the merits or demerits of those measures, I am perfectly prepared to admit, that errors into which they may have fallen, can form no justification for my conduct, or that of my late colleagues, and I certainly do not wish to advert to their failures as giving me any claim to forbearance on their part on the present occasion. I feel the less disposed unnecessarily to urge any personal argument with respect to the right hon. gent. opposite (Mr. Windham,) as I know no individual in the contests of political life, who is himself a more generous opponent. He is entitled to the more consideration from the line of conduct which he has pursued on recent occasions, when although acting in opposition to the government, he did not hesitate to do justice to those transactions, which were connected with the fame and glory of the country in war, and which being praised and honoured as they deserved were calculated to excite and augment the military energies of the empire. But I should wish to ask the right hon. gent. whether the government of which he formed a part, when they determined upon the Expedition to the Dardanelles, had previously received the written opinion of the illustrious person then at the head of the army, or of other military authorities, in favour of the practicability of such an operation? Am I to understand that full information had been in that case previously collected of the precise amount and condition of the force from which opposition might be expected? of the exact state of the enemy's works? of the position of the arsenal of Constantinople? of the difficulty of passing and repassing the Dardanelles? And that upon the case so stated, ministers had received the sanction of professional judgment for sending a naval force unsupported by an army, to undertake the service in question. Will the right hon. gentlemen have the goodness to inform the House, under the sanction of what military opinion they acted, when they employed a corps of British troops, not exceeding 10,000 men, in the river Plate, for the purpose of effecting not the deliverance, but the conquest of that great portion of the continent of South America? And when with similar views they sent a corps of not half that strength to circumnavigate the globe, to reduce Chili, and to open a military communication across the Andes with the force which was to carry on its operations on the side of Buenos Ayres. Was all this undertaken upon precise information previously obtained, and were military men previously consulted upon the practicability of such an attempt? If so, I should be glad to see the written opinions upon which these operations were undertaken. I am not aware that such opinions as I have described, exist, and certainly never found any such in the records of the department which I lately filled. It is not my intention to contend, that the absence of such sanction establishes the impolicy of the operations alluded to, I only refer to that circumstance as an illustration of the practice of government upon the subject, and lay in my claim to have my conduct judged of by its own merits, and not to be condemned because I have not considered myself as fettered by a system which I am persuaded never can be strictly pursued without the most essential prejudice to the interests of the public service. I must also contend against the principle which has been maintained in argument, that government cannot be justified in undertaking any operation, the practicability of which has not been previously established on a full and minute examination at home of all the possible circumstances on which success may turn. I apprehend that this never has been, and never can be a wise principle of conduct for any great country to act upon, least of all for Great Britain, whose prospects of advantage in war so peculiarly rest upon the energy and enterprize of her operations. I am sure that such was not the rule of action by which the late lord Chatham was guided in any of the expeditions undertaken by him during the conduct of that war, which raised the military glory of this country to so high a pitch. In order to shew that lord Chatham considered the practicability of an operation to be a point, which might often most properly remain to be decided on the spot, by the judgment and observation of the officer, to whom the command was entrusted, I shall read to the House an extract from the instructions prepared by that great man, under which the Expedition to Rochfort in the year 1758 was conducted. "And whereas we are persuaded, that nothing in the present situation of affairs, can so speedily and essentially annoy and distress France as a successful enterprize against Rochfort: our will and pleasure is, that you do attempt, as far as shall be found practicable, a descent with the forces under your command on the French coast, at or near Rochfort, in order to attack if practicable, and by a vigorous impression force that place; and to burn and destroy to the utmost of your power, all docks, magazines, arsenals, and shipping, that shall be found there, and exert such other efforts, as you shall judge most proper for annoying the enemy. After the attempt at Rochfort shall either have succeeded or failed, and in case the circumstances of our forces and fleet shall, with prospect of success, still admit of further operations, you are next to consider Port L'Orient and Bourdeaux as the most important objects of our arms on the coast of France; and our will and pleasure accordingly is, that you do proceed successively to an attempt on both or either of those places, as shall be judged practicable; or on any other place, that shall be judged most adviseable, from Bourdeaux homeward to Havre, in order to carry and spread with as much rapidity as may be, a warm alarm along the maritime provinces of France."—The House will here observe that the expression "if practicable" occurs in every point of the instructions, and in order more distinctly to shew, how fatal in lord Chatham's judgment it would prove to the welfare of the service, if ministers at home were bound to foresee and to decide upon all the possible contingencies incident to operations abroad, I shall take the liberty of drawing the attention of the House to an extract from a letter from sir J. Mordaunt, the commander in chief of that expedition, to lord Chatham previous to its departure, in the answer to which, not without some degree of rebuke to that officer, lord Chatham's opinions on this question are distinctly laid down. The extract from sir J. Mordaunt's letter is as follows.—"I must also beg leave to trouble you further on a matter which occurs to me relative to the service I am going upon; which is, that having since my arrival here conversed with sir Edward Hawke and vice admiral Knowles, who both seem of opinion, that it is possible, from the nature of the navigation to Rochfort, the fleet may be detained even in sight of the coast of France for a week or ten days, without being able to get into the Road, or off the Isle d'Aix, during which time an alarm will necessarily be given in those parts; this conjuncture and situation, if it should happen, appears to me so very delicate, and equally so to the other general officers on the expedition, who may, by accident, succeed to be first in command, and come to be under the same difficulty, (the success of our undertaking depending, as I apprehend, on the suddenness of its execution) that I should be glad, if it is thought proper, to have a direction, how I am to act in that case."—Mr. Pitt's reply is in the following words: "With regard to the supposed case as stated in your letter, I am commanded by the king to signify to you his majesty's pleasure, that you, or such other officer, on whom the command may devolve, do, in conformity to the latitude given by his majesty's instructions, judge of the practicability of the service on the spot, according as contingent events, and particular circumstances may require; the king judging it highly prejudicial to the good of his service to give particular orders and directions with regard to possible contingent cases, that may arise."—The same principle will be found to have governed lord Chatham's conduct in all the operations of the subsequent year, viz. those against St. Maloes, against Cherbourg and St. Cas. Neither lord Chatham's principles nor failures ever excited the animadversion of parliament. Lord Chatham's conduct was never questioned, he was not considered as having acted unwisely in sending forth expeditions which though unsuccessful were calculated to distress and annoy the enemy, and to divert their force from oppressing our allies. The conduct of sir J. Mordaunt was arraigned both before a court of inquiry and a court martial, but that of lord Chatham, or of his colleagues, was never once questioned in the parliament of that day. In what I have hitherto submitted to the House, I do not feel that I have yet established any thing in favour of the policy of the conduct pursued; my object has been merely to rebut those inferences, which would deprive me of a fair hearing; and as I conceive I have satisfactorily proved that there is nothing in the military opinions before the House, when carefully examined and fairly understood, which can justify any man in bringing them forward as conclusive in point of authority against me, so, I trust, I have also shewn, that the course pursued by government in investigating and deciding upon the present Expedition, has been consistent with the best practice of the best times, and that if it varies from that practice in any respect, it is rather that the present Expedition has been taken up, upon a more deliberate examination of circumstances, than has marked former enterprizes, in which the arms of the country have been engaged. I hope therefore, that I may be permitted to enter without prejudice into a fair examination of the grounds upon which the government acted. I desire only that the opinion of the House may be formed upon a true balance of all the advantages which we were reasonably intitled to expect, weighed against the risk and expence which we were called upon to contemplate. It is upon this comparison fairly made, that the judgment of every reasonable man ought to be founded, and I hope in examining the subject, I shall not appear to the House either to evade the difficulties of the question, or to undervalue the weight of those arguments against which I shall have to contend. In arguing the grounds upon which the Expedition to the Scheldt was undertaken, I must protest against the attempt which has been made to confine them to the single object of destroying the enemy's naval resources in that river. The determination of government was taken upon more extended views, they had a duty to perform not only to their own country, but to their allies, and the motives arising from either of those considerations made it in their judgment a matter of paramount obligation to engage in the enterprize however arduous. But before I argue in more detail the grounds upon which they acted, I wish to observe, that the inquiry which has been gone into has had the good effect of stripping the question of much extraneous matter. It is no longer to be contended that the Expedition could have been prepared to act before the time at which it was actually sent forth. It has been proved, that the utmost exertions were unremittingly employed to prepare the army for service, and that neither the army itself, nor the means of transporting it, could possibly have been ready at an earlier period. The power and sufficiency of the armament itself has ceased to be matter of controversy. It has also been established in evidence, that all the equipments of the army were complete, that every man proceeding on the Expedition was effective and fit for duty, and that at no former period of our history has an armament been assembled for service more perfect in all its parts, or, one reflecting more credit on all the departments employed in its preparation.—It has further been distinctly proved, that to no other quarter than the Scheldt could the efforts of our arms have been directed with any thing like the same prospects of advantage, either to our own interests or to those of the common cause.—I am particularly anxious to point the attention of the House to this part of the question, as they must be aware that a great portion of the dissatisfaction which has been expressed against the measure, has proceeded from persons who were induced to believe, either that in sending an Expedition to the Scheldt, we deserted the interest of the Peninsula, and thereby failed to carry into effect the objects for which we were contending in that quarter; or that we neglected to turn our exertions to the north of Germany, where the dispositions of the people presented a field for exertion, which under proper management might have enabled us to press more severely upon the enemy, and would have opened the most enlarged prospects of co-operation with Austria. In order the better to elucidate this important branch of the question, I was induced to call for the Austrian correspondence, to mark the more distinctly the quarter (viz. the north of Germany) to which that power wished our exertions to have been directed.—I wished to shew, that if her demands of succour were not complied with in the form in which they were expressed, the failure of compliance on our part was not a matter of choice, the military policy of the demand never became a question for discussion, as the means of compliance were not within our competence.—To establish this I examined the late secretary of the treasury, Mr. Huskisson;—Some gentlemen seem to have been most unnecessarily alarmed at the nature of the evidence he has given, and to imagine that in the facts stated by him, an unwise disclosure has been made of the weakness of our resources, but those who recollect that our means of foreign expenditure have always depended upon the state of ex-changes, and the supply of foreign coin to be purchased in the market, and those who remember that Mr. Pitt during the late war on more than one occasion justified the limited extent of our subsidiary advances to our allies on the continent, upon the difficulty experienced in sending remittances abroad, will easily understand, why it was not in our power to embark in the extended expenditure which would have been occasioned by a campaign in the north of Europe; and will admit that such temporary inability by no means tends to bring into question the solidity of our resources at home, or indicates any failure in the strength or credit of the country.—In truth I believe since the period of which I am speaking, much of the difficulty has been removed by importations of silver from South America; this, however, was a resource too uncertain in its nature, to justify the government in relying upon it as the ground of their proceedings.—Mr. Huskisson's evidence establishes beyond a doubt, that in no quarter of the continent, neither in Italy, nor in Spain, nor in the north of Germany, could the pecuniary means have been procured for equipping and maintaining the army then disposable for a campaign, that our exertions were necessarily limited to an operation on the enemy's coast to be carried on by our own resources alone, and in connection with our shipping, and that our only option was between an effort in the Scheldt (which combined a powerful diversion with a prospect of striking a blow of the utmost importance to the immediate security of Great Britain) and a desultory attack on some other less important point of the enemy's coast, which could have presented neither of those objects in an equal degree.—I have felt it the more essential to present this view of the subject; supported as it has been by Mr. Huskisson's official opinion, not only to this country, but to Europe; because I am aware that endeavours have been made to give to the decision of government the appearance of a desertion of the interests of the continent, and to represent us as having basely turned aside at a moment the most critical to the fate of Europe, in the selfish pursuit of separate interests.—Such a charge I should indeed feel to be of the most heavy and degrading nature, the conduct imputed would have been as derogatory to every thing we owed ourselves as it would have been injurious to the safety of those powers with whom we were connected; but I do persuade myself that I have proved to the conviction both of this country and of the continent, that we had no choice in point of fact, that we could not embark in operations upon a larger scale than those actually undertaken, and that in determining to direct the exertions which we were enabled to make (in addition to those then in progress both in the Peninsula and in Italy) to the most vulnerable point of the enemy's dominions, we were fulfilling our duty to the continent in the most liberal and effectual manner.—Independant of the pecuniary impossibility of engaging in operations in the north of Germany with the amount of force then at our command, the House must be aware how unjust it would have been to the gallant people in that quarter, who might have been disposed to rise in defence of their own liberties, had we selected that point for the seat of our operations without possessing adequate means to give effect to their exertions and to equip and arm them for the field.—Had a British army disembarked in the Elbe and Weser, without the means of creating a great native army to support their operations, menaced as they must have been upon the left by the Danish force in Holstein, how would it have been possible for them to have moved even to a small distance from the coast? Such a corps could have occasioned but little apprehension or embarrassment from its own exertions to the French armies acting upon the Danube; the enemy might safely have postponed his measures for opposing us, till the fate of his main operation was decided, when he would have had it in his power to send without inconvenience, an army more than sufficient to overwhelm or expel the British force. To have continued a corps of British troops in the north of Germany on the approach of winter, when the navigation is interrupted and consequently the means of retreat are at an end, would have been inconsistent with every military principle upon which we have hitherto acted, or could be justified in acting. On former occasions when a British army has been committed in operations on the continent, it has been employed in a friendly country, and in concert with the army of some of the great continental powers. Its resources have been secured to it upon the faith of some existing government, its rear was always open and consequently the practicability of its retreat ascertained; but in the case now in contemplation, a British corps would have been committed on the continent, not for definite and limited purposes, but to carry on a campaign in a hostile country surrounded by powers with whom we were at war, and unsupported by any one continental state, with whom we could come in contact, or with whose force we could unite our arms. I do therefore trust that it never can justly be imputed to the councils of this country, that in determining to direct the late armament to the Scheldt, we have either been unmindful of continental interests, or have shrunk from the performance of the duty which we owed to the continent, looking as we were bound to do, at the cause of the other European powers as identified with our own. And if we reflect upon the painful necessity, that might have compelled us, after exciting a continental insurrection, to have withdrawn the British army, we shall not be disposed to regret, that a system of measures so full of difficulty was not hastily engaged in. In establishing the absolute impracticability of carrying on continental operations on a large scale with the means we possessed at that moment, I am aware that the disclosure, although pregnant with no other inconvenience, must prove fatal to the various schemes of the military projectors of the day. An hon. general (gen. Tarleton) will find that the campaign in which he had indulged his fancy in Italy, was in its nature as well as in its object utterly impracticable. There are other authorities that have suggested the policy of employing the whole of our disposable force in the north of Spain, they also must now be convinced that their military dreams could not be realized, and as the opponents of the measure cannot rationally suggest a single operation in competition with that which was adopted, I trust that the discovery which these projectors have made on the present occasion will teach them as well as others, before they again reproach his Majesty's government for not extending the scale of their efforts, first to inquire whether they really possessed the means of doing so. I am to argue the question now upon two grounds; first as a diversion in which the interests of the continent were concerned, and secondly as an effort, in the success of which, the most important interests of the British empire were involved. That the employment of a British army of 40,000 men in the then state of the continent and in a quarter where the vital interests of France, as well as the pride of that state, must be so immediately affected by an attack, was an useful measure, seems hardly to require argument. If we recal to our recollection, the nice balance in which the contest at that time was suspended upon the continent, the uncertainty which hung over the destinies of France after the battle of Aspern, the hopes which animated every part of Europe, and which were progressively calling forth the dormant energies of Germany in support of the Austrian arms, we cannot wonder that at such a moment the British government should feel itself compelled by the strongest incitements of duty and interest, to strain every nerve, and to exert every effort in aid of that power, on the success of whose struggle for independance, the fate of the world might be deemed to depend. When we advert to the numbers by which the battle of Aspern was fought, recollecting that the Austrians had not above 75,000 men and the French not more than 100,000 immediately in the neighbourhood of Vienna at that period (above 40,000 of which were either killed or wounded in that memorable action) where is the man that will form so despicable an opinion of the military power of this country, as to suppose that at such a moment and under such circumstances, a British force of 40,000 men was not calculated to animate the exertions of the continent, and to have a powerful influence on the general scale of the war? That such a force arriving in the Scheldt, so immediately in the neighbourhood of one of the principal naval arsenals of the enemy, and upon the very confines of France, must at once compel the enemy, in vindication of his insulted coast and in preservation of his naval power, either to direct without delay a large portion of his exertions (to the prejudice of other objects) towards their defence, or in despair to abandon them to their fate, seems obvious. It has been asked whether we can prove that France has been obliged to withdraw a single regiment from the Danube in consequence of this Expedition; to which I should reply, that in order to establish the fact of a diversion, it is not necessary to make out that troops have actually been withdrawn from the Danube, it is enough to shew that a force has been detained for the defence of the Scheldt, which might otherwise have been applicable to the reinforcement of the principal French armies.—Inconsiderable in number and defective in quality as the force was, which France was enabled ultimately to assemble for the defence of Antwerp, it was only produced by recalling regiments then on their march to the Danube, by moving from Paris, the few troops stationed there, and by bringing from the Rhine a force which might have been otherwise employed against the Austrians; we also find that the alarm of the British debarkation compelled the Dutch corps under gen. Gration to return from Stralsund, the Westphalian army had orders to fall back from the interior of Germany upon the Scheldt, and such was the alarm produced by our attack, that the enemy had actually ordered the French troops to evacuate the Prussian garrisons in Silesia and to proceed by forced marches against the British Army. If such was the obvious and inevitable consequence of this movement, even at the period at which it took place; when the unfortunate result of the battle of Wagram had compelled Austria to solicit an armistice, and had thereby damped the rising hopes and prospects of Europe, what might not, nay what must not have been the result, had our armament reached its destination, while the spirit of resistance was abroad, and when the influence of France was dissolved and its power disowned throughout the Northern parts of Germany. When the temper of Holland was such as to require the presence in that country of its own troops to uphold the authority of its government, and when, as we have since learned from the proceedings of the French government, some even of Buonaparte's own departments were not exempt from indications of disaffection, if they did not exhibit symptoms of actual revolt. Could he under such circumstances have collected his scattered forces to oppose us without augmenting his difficulties in some other quarter, and might we not fairly in such a state of things have flattered ourselves either that we should be successful in our immediate object, or that the enemy in order to frustrate our hopes would be compelled to weaken himself materially in the other quarters, in which he was contending. It is true that before the Expedition sailed it was known in England that Austria had been compelled to accept an armistice, but still that armistice was only concluded for a definite time, the effects of the battle of Wagram were understood to have fallen with as much severity on the troops of France as on those of her opponent; the revival of the war was looked to as a probable event, a probability which was subsequently strengthened by the communications made to this government and to the British general supposed to be serving in the North of Germany, as appears from the enclosures in my letter of the 21st August to the earl of Chatham. Would it have become the British government under these circumstances to arrest such an armament as had then been prepared, upon intelligence received on the very eve of its departure; intelligence which in some views might increase the importance of its arrival to the interests of the Continent? Such were the incidental circumstances connected with the operation to the Scheldt, the direct and immediate object of which was the destruction of the enemy's naval power in that quarter; and here I must protest against that mode of arguing the question which assumes, that unless his Majesty's ministers could look with confidence and certainty to the accomplishment of all the objects to which the effort was directed, that they could promise nothing to themselves, but total failure and disappointment; on the contrary I must contend that various stages of success presented themselves to their view, rising in importance one beyond the other, the whole furnishing a combination of objects, the most important to which the arms of the country had ever been directed, but each in succession holding out, even in its partial accomplishment, advantages of no inconsiderable moment.—The several objects to which the Expedition may be considered as directed were;—1st, The reduction of the isle of Walcheren, with a view to the occupation and eventual destruction of the port and naval arsenal at Flushing.—2dly, The capture or destruction of the enemy's ships afloat then stationed in the Lower Scheldt, before they could secure themselves beyond Lillo, and the defences in the higher part of the river, and 3dly, the destruction of the arsenal at Antwerp, of the ships building, and those afloat, if they should have succeeded in effecting their retreat. The House will best be enabled to estimate the importance of the first of these objects by turning to the evidence of commodore Owen; "that distinguished officer has declared that he considers the port of Flushing as the most dangerous to this country of the harbours in the possession of the enemy, that its basin is capable of holding 20 sail of the line; that in order effectually to watch an enemy's fleet, an equal or nearly an equal force must be stationed at Yarmouth as well as in the Downs, a circumstance which compels us to keep up a double force to oppose the enemy in that quarter; he has further stated that the possession of the port of Flushing would, in his judgment, have been of infinite importance to this country, and that if we had been enabled to have retained effectual possession of the island of Walcheren and of the port of Flushing, he does not think that any naval force which the enemy could have assembled at Antwerp and the higher parts of the Scheldt, could have acted from thence against the naval interests of this country." Upon being asked what he conceived would be the effect of the demolition of the basin of Flushing, on the enemy's naval establishments in the Scheldt, his answer was, "that the enemy had no other place at present to careen his ships, that they cannot be coppered or hove down in that river, for the purposes of repairing any defects in their bottoms, and that their equipment generally in the Scheldt must be materially impeded by the destruction of that basin."—The importance of reducing the island of Walcheren had, therefore, grown proportionably with the increase of the enemy's naval power in that quarter. It was an object which had frequently occupied the attention of former governments; and here it may be necessary to observe, that its not having been sooner reduced was owing to military impediments, and not to any opinion entertained that the unhealthiness of the island should have prevented its occupation. The House must be aware that no such principle has ever prevailed in the military councils of this country, as that a British force was never on any considerations of policy, to be exposed in a climate of this description.—We have frequently held the island of Walcheren itself under circumstances of policy, less pressing than those under which it was lately attacked; we had a garrison in Flushing, as one of the cautionary towns for near 30 years in the reigns of queen Elizabeth and James I; a British force was sent in 1746 to hold that island in concert with the confederates; and in the year 1794 it was again occupied by our troops; the government was certainly bound to take into their calculation the hazard to be incurred by the troops in such a station, but the same principles of public policy which has influenced the occupation of the West India islands, and many other stations injurious to the health of the soldiers, made it their duty not to forego, great national objects, to avoid evils which are more or less inseparable from a state of war. As the calamitous sickness of the army has thrown over the whole of the Expedition its most painful character, I wish to take this occasion of remarking, that when the Expedition was decided upon, the apprehension of sickness was confined to that part of the force alone, which was destined to serve in Walcheren; there was no reason to entertain any particular fears on this account with respect to the troops destined to land at Sandvliet and to act against Antwerp. It has been given in evidence, indeed it is notorious, that there is not in Europe a country where troops may act with less prejudice to their health, than in the vicinity of Antwerp. The landing of so large a portion of the force with its detention for so long a time in South Beveland, a circumstance which has proved the severest source of sickness, has been shewn to have arisen entirely from unforeseen causes, and to have been utterly inconsistent with the plan of the Expedition, and with the views and expectations of those who determined upon the undertaking. However we must all deplore the sufferings with which our brave troops have been afflicted, it is unjust to charge this calamity upon the original design. In contemplating the sickness of the army, the House naturally has directed much of their attention to the arrangements which were made for the care and management of the sick. Whatever unfavourable impressions were at first entertained on this interesting subject, I trust they have been removed by subsequent explanation and enquiry; and that the House are satisfied that however partial instances of inconvenience and even of neglect, as far as relates to the conduct of individuals, may possibly have occurred, the general arrangements of government were liberal, provident, and ample, that the exertion of the medical staff abroad was unremitting and exemplary; and that upon the whole, the sick of the army have experienced every degree of attention and tenderness, of which so extensive and rapid a calamity would admit; if, however any strong impression can remain on the minds of any members of the House that serious neglect or improper management in any quarter has taken place, I should wish the subject to undergo a separate examination, I am sure the House will feel, that on the present occasion it is impossible for us to enter into it with that degree of minuteness which its importance so well deserves. If then the inconvenience of the climate did not afford any sufficient objection to the measure of reducing the island of Walcheren, the House will I trust be of opinion, considering the great naval and military importance of its conquest, that his Majesty's ministers were justified in looking upon this as an object of the greatest moment in itself; that the proportion of force requisite for its attack was judiciously applied for such a purpose, and that whilst we must deeply lament that the means of the country, occupied as they are, to so large an extent, in other quarters of the globe, have not enabled us to retain possession of so important a naval station, we ought to be sensible that, at least, a material service has been rendered to the country in crippling for a time the naval exertions of the enemy in that quarter. The second object which his Majesty's government had in contemplation was that of laying hold of the enemy's ships afloat in the lower part of the Scheldt; that such an object was constantly kept in view the House will perceive from an inspection of the disposition paper of the army by the quarter-master general, and also from the evidence of sir Richard Strachan. How nearly success had attended the attempt, may be collected from sir John Hope's statement. By the landing in the North side of South Beveland, all the enemy's batteries on that island were taken in reverse, and including Bathz were in our possession on the night of the 2nd of August. It was not until the 1st that the enemy's ships were enabled to retire above Lillo; had an adverse wind delayed their retreat, till the British troops got possession of Bathz, or even of the batteries of Warden, their retreat must have been cut off, and the whole might have been captured by our squadron, which was held in readiness to push up the Scheldt for that purpose. It remains for me now to consider the third and main object of the Expedition, viz. the destruction of the arsenal at Antwerp, of the ships building and those afloat, if they should have succeeded in effecting their retreat from the lower parts of the Scheldt. In order to form a correct estimate of the expediency of the attempt, the risks and sacrifices which it involved must be compared with the advantages in prospect. On the one hand there was in view the destruction of a most formidable arsenal, amply provided with all materials for the construction of an immense navy, as well as the destruction or capture of not less than 20 ships of the line already existing in different stages of equipment: on the other hand were to be considered the degree to which the health of the army might be endangered, the military hazard to which our force was to be exposed, and lastly the expence which such an effort must occasion. I have already observed, that there was no reason to apprehend, that the health of the army would be particularly exposed by the operation against Antwerp, the corps allotted to the capture of Walcheren was alone exposed to contract the disease arising from an unhealthy climate; the troops intended to land at Santvliet might prosecute their operations against Antwerp and reimbark with as little danger to their health as if they had been encamped in the most healthy part of England. That the army would not have been unduly exposed to military hazard by the mere operation itself has been directly proved by the evidence of the quarter-master general before referred to. It has also been established by the concurrent testimony of every officer examined, that the army might have landed at Santvliet early in August and advanced to Antwerp without opposition. The opinion of sir John Hope is to this effect. Lord Chatham and general Brownrigg have not only stated that to be their opinion; but in confirmation of it have further declared, that even so late as the 25th of that month, the army would have been landed for the purpose of attacking Lillo and Liefkenshoeik, in the hope of opening the Scheldt to further operations, if sickness had not prevailed to such an extent amongst the troops in South Beveland, as wholly to disqualify them from service. Can it then be contended that the attempt was originally of a nature too hazardous to be undertaken, when it might have been prosecuted without any apprehension of extraordinary risk, at a much later period than that within which it might have been expected to have been completely terminated, under more favourable circumstances? Delay in execution might be attended with ultimate failure; but I contend that with common military prudence the army itself need never have been improvidently committed. Sir W. Erskine is the only officer who has expressed an opinion, that the retreat of the army would have been exposed to danger by a landing even so late as the 25th; but he is wholly unsupported in this view of the subject by any other authority, and the opinion itself is confined to operations commencing at the close instead of the beginning of August. I trust it is therefore clearly established that whatever grounds his Majesty's ministers might have to doubt of ultimate success, there were none, which should have induced them to hesitate as far as the safety of the army was concerned in undertaking the enterprize. The remaining question is the expence. On this head there has been no end to the absurd and exaggerated reports with which the public mind has been deluded. When the conduct of government was arraigned in the Common Hall of the City of London, and the vengeance of the country denounced against his Majesty's ministers; they were charged with having wantonly squandered the blood and treasure of the country in pursuit of impracticable and inadequate objects, it was asserted that this Expedition had cost the nation not less than 15,000,000*l.* Even the gentlemen on the other side of the House, in the more sober view which they have condescended to take of the subject, have never stated the expence lower than 5 or 6 million sterling. There are now however before the House documents to prove, that the total charge has not exceeded 840,000*l.* of which not more than 600,000*l.* was incident to the service as originally projected. So far from its having been the most expensive Expedition that was ever undertaken, I may safely assert, that it has been the least so, in proportion to its magnitude, which this country has ever sent forth. That such must have been the case might have occurred upon the smallest reflection to any person accustomed to look at subjects of this nature. Three fourths of the force was carried in the ships of war then in commission, and nearly an equal proportion of the transports required, was at the time in the pay of government and could not have been paid off, even had this service not been undertaken. The army did not require an extent of equipment necessary for a long campaign, there was therefore little extraordinary charge beyond that which occurs when troops are in camp. Will any man then contend, even with the strongest prejudice in favour of œconomy, that in the then actual state of Europe, when we were so strongly called on to support our ally, and had at the same time such important British objects in prospect, that the expence of this Expedition taken according to its true amount was improvidently incurred? Would it not, on the contrary, even if all expectations of injury to the naval resources of France had been laid out of our contemplation, and the question had been entirely confined to the consideration of giving aid to Austria, would it not even in that case have been our bounden duty, if on any part of the enemy's coast, a port could have been found capable of giving the same security to such an armament, as was afforded by the Scheldt, instead of allowing our force to remain inactive, to have dispatched it to that point for the purpose of distracting as far as possible the attention of the enemy, and of creating at least a temporary embarrassment in his operations. If the objections then to the enterprise fairly examined appear to sink into nothing, when compared with the exaggerated statements which have been made of them, it remains for me to shew that the operation was practicable in itself, that it was not without a reasonable prospect of success, and that the best means were devised for carrying it into effect.

Upon the latter point endeavours have been made to insinuate in the questions put to officers examined, that government proceeded without any plan, and that the attempt was undertaken without any well considered or digested conception of the mode in which it was to be prosecuted. The officers charged with the conduct of the service were called upon to state in evidence to the House the precise mode in which they were ordered to proceed, the point at which they were to make their attack; the positions they proposed to take up; in short the plan of campaign which had been formed for them in every minute particular. But with great submission I apprehend that a plan of operations, in so strict a sense, never can be made or ought to be attempted by any cabinet, that if such had been previously devised, it would probably have been rendered inapplicable or abortive by the conduct of the enemy, or the state of the elements, and that in proceeding upon a service of this nature, which is dependent on naval co-operation, nothing more can be required of his Majesty's government, than that the principles of the Expedition, and the different descriptions of attack which in various contingencies were probable, should be well considered, it being left to the officers in command to apply their means upon the spot as circumstances should point out. And first I must contend, that the principle of the Expedition, as far as the carrying the right wing of the armament at once direct to Santvliet, landing the troops there, and advancing with rapidity to Antwerp, was fully considered, and is distinctly laid down in all the instructions before the House, not only in the directions addressed to the officers employed; but in the orders issued by them in execution of the service. That a better plan could not have been devised, may I think be inferred from the circumstance of no person having yet attempted to suggest a better, or to condemn that which was decided on. General Brownrigg has regretted, that the whole of the armament destined for Santvliet was not at once carried to the entrance of the West Scheldt, instead of being directed to rendezvous at the Stone Deep, which according to the prevailing winds was to leeward of its destination; but this is a point of professional detail not appertaining to the plan, but to the execution, and cannot be considered as in any degree impeaching the grounds on which ministers acted. The two other lines of operation, viz. that which would have taken the army up the East Scheldt with a view to a landing on Tholen, and that across South Beveland according to which the troops would have been disembarked in the Sloe to be afterwards re-embarked at Bathz, have both appeared in evidence to have been wholly unadvisable; the former has been condemned by sir R. Keats himself, whose opinion before he left England, formed however without any local knowledge, had given some countenance to it; the latter has been proved by all the general officers examined to be, if not wholly impracticable, at least highly inexpedient, being calculated to retard rather than accelerate the advance upon Antwerp. I must therefore assert that no other plan stands in competition with that determined on by government, and that it has been distinctly established, by the concurring testimony of all the naval officers examined, that in the prosecution of that plan under favourable circumstances of weather, the whole of the armament destined to act against Antwerp might have been carried up the West Scheldt in four days from the period of its leaving the Downs (including the time necessary for buoying the channel) that is, that the whole might have arrived successively in divisions on the 1st 2d and 3d of August at Santvliet. I must further contend that although the particular movements against Antwerp were not, and could not, be previously determined on, the different modes of attack had been fully considered, and suitable means for each were amply provided.—The army was equipped with an effective train of heavy artillery; for the rapid movement of which against Antwerp, horses were sent from this country.—We did not proceed in contemplation of besieging Antwerp in form by investiture on both sides of the river, but we went against it upon information that its works were not only defective in construction, but neglected, and in many parts fallen into decay; that the town was feebly garrisoned, and the enemy generally weak in that quarter; under these circumstances hopes were entertained that the place might possibly be taken by assault, or that if an operation of that description should not be practicable the town would probably surrender to an effective bombardment. Such were the principles of attack, and I am now to consider, upon comparison of the enemy's means as opposed to ours, what prospect of success we had, supposing the army to have arrived at Santvliet in due time; taking the argument first upon the information in possession of government, on which the Expedition was undertaken; and secondly upon the actual state of things as proved to exist by the intelligence obtained upon the spot, after the armament reached the Scheldt. First as to the relative amount of force with which the attack was to have been made or repelled; it may be most satisfactory to take that of the enemy, as proved to exist at the period when the retreat was ordered, reserving for subsequent consideration, what proportion was assembled in the neighbourhood of Antwerp at any antecedent date.—On the 26th of August the enemy's force is stated in the Memorandum submitted by the quarter-master general to the lieut. generals at the council of war, to have amounted to 35,000 men. General Brownrigg, however, in his evidence describes these numbers as in his opinion exaggerated, and thinks a reduction may be fairly made from them of 5,000 men. In the numbers thus given he distinctly says that the crews of the enemy's ships and the workmen of the arsenal are included. What the precise amount of the sailors and workmen may have been (the evidence varying upon this point) it may be difficult to state; some of the intelligence carrying the sailors to 11,000, and the workmen of the arsenal to 5 or 6,000 men; other information, and that perhaps most entitled to credit, represents the numbers of the armed workmen actually present as being much lower, and states that a considerable proportion even of the ordinary establishment had been at this time detached to the Danube; the crews of the ships are also represented as not exceeding 7,000; taking these two classes of persons together at from 8 to 10,000 men, there will not remain above 20,000 troops of all descriptions at the close of the month of August, for the defence of both banks of the Scheldt, including the garrisons of Antwerp and Bergen-op-zoom; and this estimate is in a great measure corroborated by the information received by sir John Hope on the 28th of August, which describes the enemy's force, as it is stated, from an actual survey, at 21,780 men.—The propriety of including the seamen of the fleet in the means which the enemy could employ in defending Antwerp may in principle be questioned, as our operations with reference to the fleet itself, would probably have found ample occupation for them afloat, but if this mode of enumeration is to be adopted on one side, it is reasonable that it should be admitted on both; the efficiency of British seamen either on board or on shore being at least equal to the crews of the enemy's ships, composed as we know them to have been of subjects of different nations.—We shall then find the British force, which might have been assembled at Santvliet early in August to stand thus; 23,000 rank and file including the reserve under general Hope, troops certainly equal to any in Europe, composed of the flower of the British army, to be reinforced by 5 or 6,000 men as soon as Flushing should be reduced. Of the seamen of the fleet employed in the Expedition amounting in the gross to 35,000, it may be estimated that not less than 20,000 might have been made available on the first instance on the side of Antwerp in aid of the land force, so that an immediate force would have been assembled of 43,000 troops and seamen, subject to be encreased to 49,000 on the fall of Flushing, to be opposed to a force of not exceeding 30,000 French, Dutch, Danes, &c. We find also from the evidence of all the officers, and from all the information received, that the enemy's military force was of the very worst description, composed chiefly of depôts of regiments, conscripts recently levied, custom house officers, burghers and gens d'armerie. Such a force might be found useful in the defence of works, but I believe no British officer would have had any hesitation, if the enemy could have drawn these 30,000 men to one point, and could have been induced to risk them in one body in the field, to have rested the fate of the undertaking upon the ability of any two British divisions of 5,000 men each to have defeated the whole. If then the British force could at the very outset have attacked with 43,000 and ultimately with 49,000 men, the enemy having after the expiration of 26 days only the means of opposing to them 30,000, what might not have been expected in point of success, had we been enabled to have commenced our operations early in August, when, as I shall hereafter have occasion to shew, the enemy were in a state of great weakness and wholly unprepared for defence. The next important head of information is that which relates to the defences of Antwerp, and the condition in which his Majesty's government had reason to suppose they would be found.—The House will recollect that it has been established in evidence that the town of Antwerp has not been defended since the year 1584, when it was attacked by the duke of Parma, that it has been always surrendered without resistance to an army superior in the field, that it is a rich and populous city of great extent, containing not less than 60,000 inhabitants, that it is between 3 and 4 miles in circumference, being surrounded by a rampart and ditch, with bastions constructed several centuries ago, that it has not been kept up as a place of defence, and that it is altogether destitute of outworks to keep an enemy at a distance; indeed it has been distinctly proved, that under the cover of its suburbs an attacking army would find shelter close to the body of the place, under the protection of which their operations might be commenced without the necessity of breaking ground at a distance and advancing by more regular approaches.—In addition to the general weakness of the place, necessarily resulting from so extended a line of defence, long neglected and suffered to fall into decay, government had distinct information previous to the sailing of the Expedition, that the rampart and ditch were in such a defective state in particular places, as to hold out a prospect of being successfully escaladed. This intelligence was received from various persons, and particularly from one actually sent in the month of June for the purpose of reporting upon the state and condition of Antwerp, a person of whose ability to form an accurate judgment, the members of the secret committee, who had an opportunity of examining him, have had the means of forming an opinion. Although not a scientific person he was as competent to speak to facts of this description, as if he had been an engineer. His report of the numbers of the enemy's force may be subject to doubt, and his intelligence on this head may partake of those errors, to which all information with respect to numbers, which is not strictly official, must necessarily be liable, but it is impossible to suppose, that he could have been mistaken with respect to the actual state of the fortifications of Antwerp, which he went purposely to view, and upon his veracity his Majesty's government were justified in relying not only from the repeated proofs which they had received of his fidelity and accuracy, but from the inevitable detection which must have followed any attempt on his part to practise deception in this instance.—Upon the information so received it was not thought impossible that the place might be found in a condition to admit of its being taken by assault. In forming this opinion his Majesty's ministers proceeded not simply upon the information thus recently obtained, but also upon the knowledge of the place possessed by various officers who had examined the works of Antwerp in the year 1794. The quarter master general of the army distinctly states himself, from his recollection of its condition at that period, coupled with information subsequently received, to have thought it not impossible, that if rapidly approached it might have been assaulted with success. Now, let me ask what authority have the examinations of the Committee enabled the House to oppose to those to which I have referred? the single authority of sir William Erskine; who, as far as he professes to speak from his own knowledge, founds himself upon the recollection of what he saw sixteen years ago, having looked at the works of Antwerp in 1794 from motives of curiosity, when a very young man and aide de camp to his father, the late sir W. Erskine. With every respect for that officer's judgment and character, I must be permitted to distrust the accuracy of the opinion which he has given to the Committee upon the defence of Antwerp, when I find it decidedly at variance with that of every other officer, who has spoken on the subject, with that of sir David Dundas, of general Calvert, of general Brownrigg, and of general Sontag. All these officers have described Antwerp as surrounded by a rampart and ditch, but by no means as a respectable fortification; sir William Erskine, on the contrary, has spoken of it, as only to be approached by a siege in form. He has stated, that the attack must be carried on regularly by three parallels, and he calculates, that it would require 21 days from the landing at Santvliet to put the army in a condition to break ground, and 21 days more to obtain possession of the town: and he has further stated, that he conceives the place might have been put in a state of complete defence in eight days.—In the time required to bring up the means of breaking ground he is directly contradicted by the evidence of lord Chatham, general Brownrigg, lord Roslyn, general Macleod, and colonel Fyers. The probable time allowed by them for approaching Antwerp with the means of opening fire against the town is 7 days instead of 21. General Brownrigg, general Macleod, and colonel Fyers speak to the practicability of establishing their batteries at once within 6 or 700 yards of the place, without the necessity of regular approaches; the first distinctly states his opinion of the probability that a surrender might have been inforced within three days by a bombardment: and the two last are of opinion, that the town must either have surrendered or been destroyed. The same three officers have also expressed their opinion, that even previous to the surrender of the place, there was reason to expect, that the arsenal and the ships on the stocks might have been in a great measure destroyed by the bombardment, and involved in the general conflagration, to which the town must have been exposed; but that at all events upon the surrender of the town, notwithstanding the citadel should have remained in the possession of the enemy, it would have been practicable under the cover, which the town would have afforded, not only to destroy the arsenal and ships building, but possibly to attack with effect the enemy's ships afloat even though they should have taken an anchorage under the guns of the citadel. Such then being the information in proof of the weakness of the defences of Antwerp, let us see what contradictory information there is to shew, that its fortifications were in good repair, and had been put by the enemy in a state of complete defence. The first intelligence bearing upon this subject is that obtained by sir William Erskine, which describes the works as having been placed in a state of defence by the French, and this is said to be corroborated by a stone-mason residing at Bathz, who stated that he had been employed in their repair. That this person might have been employed upon the works is consistent with all the information received by government, as partial repairs particularly of the citadel were stated to have been made; but it is impossible to believe that a fortification of such great extent as Antwerp, so long neglected, could have undergone an effectual repair (if we consider the time and labour which the accomplishment of such an undertaking would have required) without the fact being notorious; whereas it appears, that the reverse was understood, and declared to be the case by the leading persons at Flushing and Middleburg, with whom general Sontag, colonel Mosheim and captain Puget communicated on this subject, and was distinctly stated in all the intelligence which government received, and particularly by the individual before referred to, who inspected the fortifications so late as the 17th of July. Having considered the nature of the place to be attacked, the means by which it was proposed to be assailed, and the limited force which the enemy were enabled to assemble for its defence, in the course of near a month, which they had for preparation, it is material to examine what part of this force could have been opposed to us on the first arrival of the armament in the Scheldt, and at the intervening periods, before the enterprise was abandoned. And here it may not be undeserving of remark, that the enemy appears as far as we can judge to have been wholly unprepared upon our first arrival; and that the attack was as complete a surprise as can well occur when a large armament is known to be assembled in the ports of Great Britain. It is true that an apprehension of some design on our part prevailed in the month of April in Walcheren, and that additional defensive works were established on the side of Zoutland; but this alarm was occasioned by a corps embarked under general Craufurd's orders for service in Portugal, and had subsided long previous to the sailing of the Expedition; I do not find that when we arrived off the Scheldt on the 28th of July, any extraordinary measures of defence had been taken at Walcheren; there is still less reason to believe that any had been adopted at Antwerp. My belief is, that the enemy supposed the armament to have been destined either for the Elbe and Weser, or for the peninsula, and that it was not until our fleet actually appeared off the Scheldt, and made dispositions for landing, that any steps were taken for collecting force, or placing the country in a better posture of defence to receive us. Nor is this view of the case at all shaken by the orders which the noble lord (Porchester) has read, dated at Paris on the 1st of August from the minister of war for the assembly of troops; the minister might have been apprised of the fact of our arrival in the Scheldt by telegraph on the 29th; it is not therefore an extraordinary instance of vigour that his arrangements should have been made as early as the 1st, whilst the very few corps of which the order speaks as in march towards the Scheldt furnish the most conclusive proofs of the weakness of the enemy, and of the accuracy of the intelligence which government had received. But to return to the actual force, which the enemy had to oppose to us on our arrival in the Scheldt, the House must have observed from the report of the secret Committee, that by an official document which was taken upon the person of an officer in the French staff in Spain, government were acquainted with the actual position of every regiment in the French service on the 1st of December 1808. They consequently knew the utmost amount of force possessed by the enemy on the side of Flanders, and the coasts adjacent, at a period not more than six months antecedent to the determination to undertake the Expedition; at that time it did not exceed 21 battalions and a half of infantry, and 16 squadrons of cavalry, subsequently however to that date, viz. at the commencement of the war with Austria in March, many of these corps had been ordered to the Danube, and so hard pressed was the enemy for reinforcements for their grand army, so little had their attention been turned to the defences of the Scheldt, that even as late as the 22d of June, nearly the whole of the very few regular troops at Antwerp, with a proportion of the artificers, were ordered to the same destination; and at a date still later, the 48th regiment and two or three other corps, were actually on their march in the same direction, when they were brought back in waggons to Cadsand, in order to reinforce the garrison of Flushing. In the beginning of July the government had reason to believe, upon the faith of the intelligence received from the confidential person examined before the secret committee, that exclusive of the garrison of Flushing, consisting of from 3 to 4,000 men, the regular troops in Holland did not exceed 3,000 men, that the whole number of men in Antwerp, capable of bearing arms, did not exceed 2,400, of which the regular troops, invalids included, composed about 1,500, the rest were workmen and artificers, that the crews of the ships might amount to between 5 and 6,000; and that there were few troops in any of the garrison towns in Flanders. The correctness of this intelligence appears to have been doubted by a right hon. gent (Mr. Ponsonby) if I may judge by the questions put to me by him in the Committee, with reference to the information received from a confidential person in June and July, and given in No. 44 of the Admiralty papers. The amount of troops in Holland, as reported in that document, exceeds 10,000, the distribution of which is specified. The right hon. gent. however, will be pleased to recollect, that subsequent to the period at which that report was made, a corps of 5 or 6,000 men under general Gratien, was ordered to march against general Schill in the north of Germany, and proceeded as far as Stralsund, where they defeated that officer; that in the beginning of August the same corps was opposed to the duke of Brunswick on the banks of the Weser, and that it did not return to the camp at Naarden in North Holland till September. It is therefore evident that the true explanation of the difference, which seems at first sight to exist between the two sources of intelligence, is to be found in these facts, as will still more clearly appear from the concluding paragraph of the papers last referred to, which is to this effect. "From Naarden 200 Dutch troops had marched towards Aunch, and it seems almost all the Dutch troops in East Friesland and Groningen will march towards Bremen in a few days," which movement actually took place as I have before described.

Such was the state of the enemy's means of resistance when we arrived in the Scheldt. I should wish now to consider to what extent they had accumulated at subsequent dates, and particularly previous to the time at which Antwerp might, under favourable circumstances, have been actually attacked by our troops.

It has been established that in case the armament had arrived at Santvliet, in divisions on the 1st 2nd and 3d of August, the troops might have been landed and advanced to assault the place (if the defects of its defences appeared upon examination to justify such a species of attack) as early as the 6th at night, but that if Antwerp had been found not to be assailable without heavy artillery, ample means for the bombardment and destruction of the town could have been brought up, the batteries completed, and fire opened against the place on the 10th.

What then do we find to be the course of the enemy's preparations? It appears that they shewed no troops on the opposite coast for several days after our being in possession of Bathz. It further appears that the ditch at Antwerp was not cleared out till the 10th, and was not filled with water till the 14th, before which dates our operations against the town might not only have been begun, but successfully terminated. We learn from intelligence procured by the earl of Roslyn, that a person employed by him, in the accuracy of whose report he places confidence, saw one side of the works of Antwerp, between the 9th and 13th of August, and that at that time, he did not observe any guns mounted. It was not till the 17th (as reported also to his lordship) that the enemy began to construct batteries on the river face of Antwerp. The inundations in the neighbourhood of Lillo and Leifkenshoeik were not begun till the middle of August. The enemy were observed to be at work, even on the fortifications at Lillo, long subsequent to our arrival at Bathz, and it was not till the very close of the month, that they found themselves at leisure to establish batteries at Doel, and Frederick Henrick, which works were demolished by the fire of our shipping nearly as fast as they were constructed.

Is it then too much to suppose, looking at the late period at which these preparations were successively made, that if we could have acted in force early in August, the enemy might have been surprized and overpowered?

With respect to the number of troops collected by the enemy at different periods, the garrison of Bergen-op-Zoom is reported by intelligence transmitted by sir John Hope to the quarter master-general on the 7th not to exceed 3,080 men, on the 8th sir William Erskine reports that it consisted of 8 battalions, which he describes in his evidence to be weak in numbers, probably not exceeding materially the numbers reported by sir John Hope; these troops had been moved from the camp at Naarden into Bergen-op-Zoom on the arrival of the Expedition; the same intelligence reports, that 10 squadrons of cavalry and 3 battalions of infantry lay between Bergen-op-Zoom and Antwerp at the same date, and that the garrison of Antwerp consisted of about 2,000 French and 1,000 Dutch troops; this is all the force which it positively alledges to have been assembled at that period. The workmen of the arsenal and the crews of the ships are referred to; I have before stated my reasons for considering the number of the former as extremely exaggerated, and I shall hereafter prove the utter improbability that the enemy could under the circumstances have availed themselves of the services of the crews of the fleet on shore. Supposing then this intelligence not exaggerated, it is obvious that on the 7th of August, before which time the place might have been assaulted, the enemy had not, exclusive of workmen and sailors, above 8 or 9,000 men for garrisoning both Antwerp and Bergen-op-Zoom; whereas sir David Dundas states in his evidence that a force of less than 10,000 men could not be considered in the light of a garrison for the former of these places only. It is true, that in the intelligence referred to as transmitted by sir William Erskine on the 8th between 4 and 5,000 Dutch infantry and 5 squadrons of cavalry are said to be on their march from North Holland; it is added that all the waggons in Brabant were put in requisition to bring 15,000 of the French Westphalian army, and that within ten days the French would have an army of 40,000 men in the field, not including the garrisons of Antwerp and Bergen-op-Zoom. The House must now be aware, that all these details turned out to be gross exaggerations. Instead of 40,000 men, exclusive of those garrisons, it is clear that there never were more than 20,000 troops brought together, by the enemy, including those garrisons; the troops announced as on their march from North Holland were not in that country at the time spoken of, but were then employed upon another service as I have before stated, and in point of fact never arrived on the Scheldt; in truth their approach is contradicted by intelligence transmitted by sir William Erskine himself on the 11th, which says that their march had been countermanded. The same observation applies to the Westphalian force; whatever orders were given for their return towards Holland they were at too great a distance to take any share in these operations. I cannot therefore help regretting from the false impression it was calculated to create that the gallant officer by whom this intelligence was procured through channels as he represents entitled to his implicit confidence, should not have taken the same care in his evidence before the Committee which was shewn by sir John Hope to caution the House against relying upon the accuracy of details so received. It is difficult to trace the precise dates at which the enemy's force was progressively assembled: but there is no reason to presume that the garrison of Antwerp was formidable in numbers between the 10th and 15th of August, by which time the bombardment might have been in full operation. Gen. Brownrigg in his evidence says that the enemy's force was not considerable till towards the 20th of August. I think it necessary for the purpose of discrediting the information to which I am now going to allude, to point the attention of the House to an article of intelligence transmitted by lord Roslyn on the 10th of August, which describes the enemy's force to be 25,000 troops of the line at Antwerp and in the adjoining cantonments, all French at that date. Sir John Hope in his evidence before the Committee particularly refers to this communication as transmitted by him with the view of marking his disbelief that the enemy had any such force at that time, and of expressing his opinion that intelligence of numbers so procured ought always to be received with the utmost caution.

Having brought under the observation of the House the relative force and means of the contending parties at different periods during the month of August, I shall now consider what would have been the probable course of our operations, supposing the armament to have been assembled at Santvliet by the 3d. I allude to this date not because I conceive that any moderate delay to which the arrival of our force at that point might have been exposed from unfavourable circumstances of weather was likely to defeat its objects, and that success could only result from contigencies more favourable than ought perhaps in reason to have been counted upon, but I take that period as being that, within which, by the concurring judgment of all the professional men who have been examined, the fleet might have reached its destination, and upon which our reasoning and calculations of its ulterior movements must be framed in argument, it being impossible to make any precise supposition in respect to the length of contingent delays.

There were two distinct plans of operation upon which the army might have acted; the whole of the force might have been moved at once upon Antwerp, with a view to the immediate assault or bombardment of the town, passing by the lower defences of the river; or their operations might have been directed in the first instance against Lillo and Liefkenshoeik for the purpose of getting the complete command of the Scheldt, and of opening that river to the unfettered cooperation of the navy.

Perhaps it would have been found most expedient, in some measure to combine both these plans. It has been stated in evidence by sir Richard Keats and commodore Owen that if the fort of Liefkenshoeik had been reduced, the boom established across the Scheldt must have fallen in our possession, and might have been destroyed. That this obstacle being removed, the fort of Lillo being masked, the right bank of the river being also in our possession, which must have resulted from the advance of the main body of our army upon Antwerp, the corps employed in the reduction of Liefkenshoeik giving support on the left bank, the naval force might have passed up the Scheldt, and co-operated with the army against Antwerp, notwithstanding the fire from Lillo. General Brownrigg in his evidence has stated, that without interfering with the movement of the army in force upon Antwerp, immediately on its debarkation a corps of 2,000 men might have been appropriated to the attack of Liefkenshoeik, which with the aid to be derived from the fleet, would in his judgment have secured the reduction of the place in less than ten days. The House will therefore see that we were not restricted in our operations against Antwerp to a simple military operation without the power of bringing our naval superiority to bear in the upper Scheldt, but that we had the prospect of effectually uniting the energies of both services in the prosecution of our ulterior object. I leave them then to judge whether the crews of the enemy's ships, menaced by an attack of this description, could have been available for land service, and without their aid, what would have been the enemy's means of defending Antwerp against our attack between the 10th and 15th August?

General Brownrigg has certainly stated, that ten days might possibly have been required to reduce Liefkenshoeik, but does it necessarily follow that a work which was not casemated would have resisted so long? We know that in the year 1747, Lillo, which is a more respectable fort, was taken in five days, and that the whole of the forts on the river, including Liefkenshoeik, were reduced in 11 days. Why are we then to assume, that the enemy would push their resistance to the utmost? the impediment that might have been occasioned, had the fort of Bathz resisted, instead of being evacuated, has been put forward, it has been proved however, that this fort could not have resisted with any effect; and why, if the governor of Bathz thought fit to consult his safety by flight, might not other garrisons and even that of Antwerp be intimidated into a surrender? Are we to deny ourselves all the chances of war? to assume that the enemy will in all instances effect prodigies, and that nothing shall be accomplished by the enterprize and animation of British troops, which cannot be previously demonstrated to be the infallible result of military calculation? Are we to be discouraged by sir William Erskine's opinion, that it would require 28 days to reduce the fort of Lillo, when we know that the French reduced it in a fifth of that time? Are we to be alarmed by a description of the formidable defences of Antwerp, a town which no military man for the last three centuries has ever ventured to defend, or even of the citadel, a work, which, though certainly more respectable, was originally constructed merely to repress the populace of a great city, and which was not only surrendered by an Austrian garrison, after a slight resistance in 1791, to the patriots of Brabant, but was taken in 1746 by a corps of the French army under the conte De Clermont, in five or six days after trenches were opened against it.

I need not press this view of the subject further. The House has before them a general outline of the proposed operations, the conduct of which must have been regulated by circumstances on the spot; it is only necessary for me in order to counteract the impression that there is any evidence before the House which can justify the conclusion, that the enemy had the means of carrying their ships so high up the Scheldt, as to place them beyond the reach of our attack, to advert to the evidence on this subject. Sir William Erskine's informant states that they might be carried up to Dendermond, 20 miles above Antwerp, other intelligence obtained by lord Roslyn however limits it to four miles above Antwerp, but in point of fact it does not appear upon an attentive comparison of the evidence, that at any time any of the ships were actually carried above the town. It is true sir William Erskine on the 11th Aug. reports nine sail of the line to be at Antwerp, taking out guns, stores, and ballast with an intention of proceeding up the Scheldt to Dendermond, and that two sail had already gone up to that place, but we find this to be an error, as sir William Erskine on the 18th corrects his former report upon the authority of a person, upon whose correctness he expresses his reliance, and who had been sent for the express purpose of ascertaining whether the enemy's fleet had moved up the river beyond Antwerp, by stating that on the 15th the ships were still at Antwerp ranged along the quays from the citadel downwards, in number nine sail of the line, that they had all their guns in, and that two sail of the line were below the town. This is further corroborated by intelligence transmitted by sir John Hope on the 22d, whose informant was at Antwerp on the 20th, when the ships had all their guns in, and were ranged along the town, it therefore appears to me clear that no part of the fleet ever was carried up the Scheldt beyond Antwerp, but even supposing the enemy to have had the means of so removing them, (which may be doubted) without rendering them by such removal unfit for all the purposes of defence, it remains to be proved, supposing the destruction of every thing at Antwerp to have been completed, and the British army to have remained superior in the field, that positions might not have been taken higher up the river on the right bank for the effectual attack of the fleet, more especially, if supported by our gun boats and light armed ships of war.

It has been contended that the opinion of the officers employed as given in evidence before the Committee is against the probability of success, and that an attack upon Antwerp by a *coup-de-main* was on the face of it absurd and impracticable. With respect to the latter point, it involves a mere discussion upon terms; if gentlemen chuse to annex to the term *coup-de-main* the notion of a single attack which is to be the effort of an hour or a day, they may be borne out in their assertion, but if, as I understand it, the expression, may be correctly applied to a course of proceeding more extended in point of time, and may properly be used to describe a rapid operation of several days continuance, as contradistinguished from a formal siege or a campaign, there is no absurdity in the application which has been made of it, at all events the substance of the argument cannot be affected by the term that has been used. That I am not however without professional authority for using the term *coup-de-main* in this sense, will appear from the evidence of lieut. col. Clarke who served as principal engineer on the Expedition to Rochfort, to whom the following questions were put on his examination on sir J. Mordaunt's trial.

"Q. Whether if he had been in Rochfort, and the defence of the place had been left to him as an engineer, and he had ten days notice of a force marching up, he could have put it in a sufficient posture of defence against a *coup-de-main?*

"*A.* No. But that depends greatly upon the number of the garrison, he explained that what he understood by a *coup-de-main* is taking a place in one, two, three or four days time without a regular attack.

"*Q.* If Rochfort could not have been taken under three or four days, whether artillery would not have been necessary to facilitate the taking of the place?

"*A.* Undoubtedly, artillery would have been proper, but perhaps not absolutely necessary."

As a more recent instance in point, I consider that the operation against Copenhagen was in the nature of a *coup-de-main.* Our prospects of success there depended upon the early effect of a bombardment, rather than a siege in form; we had in the attack of that place infinitely greater difficulties and obstacles to contend with, than could have been apprehended in the operation against Antwerp, the assailing force was kept at a distance from the place for several days by outworks, and by an extended line of water defences in front of the town; notwithstanding which, and although considerable delay was occasioned by taking up a new line of positions for our batteries, after the enemy were driven within the town the place surrendered to a bombardment, within three days after fire was opened upon it. I trust, therefore, we shall hear no more controversy either upon the term *coup-de-main,* or the possibility of taking a town of equal or superior strength to Antwerp by means similar to those intended to be employed against that place.

With respect to the opinions given by the officers on the probability of success, their judgment is of course entitled to due deference, but it is material to advert to the circumstances under which they were given, as well as to the nature of the opinions themselves.

The opinion of sir William Erskine is certainly unfavourable throughout. It appears that officer looked to other more advantageous modes, as he conceived, of employing the force of the country, and considered the operations against Antwerp as hopeless before the Expedition sailed. Sir Richard Strachan has stated, that he communicated to me at Deal, how little hope of success was entertained by sir William Erskine. I certainly do not at this distance of time carry in my recollection the communication alluded to, and it may have made the less impression upon my mind, as I had more than one personal conversation with the gallant general himself when at Deal, in none of which were his doubts ever communicated to me, but I have no difficulty in admitting, that I should not have been induced, when the Expedition was upon the eve of sailing, to hesitate upon the expediency of its departure upon the mere suggestion of a single officer, more especially of one whose opinion was formed in total ignorance of the information upon which government acted, and upon a recollection of the place, not more recent than that of many of his senior officers, with whom his Majesty's ministers had had opportunities of communicating.

The next opinion to which I shall advert is that of the earl of Roslyn—I am perfectly willing to admit the weight to which it is entitled, and upon the whole it must be considered to be discouraging as to the result; but the House will be pleased to remark, that lord Roslyn's judgment was formed, without reference to the information which government had received, as will appear from the following question put, and answer given by the noble earl:

"*Q.* At any time after the communication of the object of the Expedition to your lordship, were you of opinion that the object was attainable?

"*A.* I was not in possession of the intelligence upon which the Expedition was ordered, and without some knowledge of the force of the enemy, not only in the countries against which the Expedition was immediately directed, but in all the surrounding districts, it was not possible to form a decided opinion upon that subject."

His lordship is further asked as to the probability of succeeding against Antwerp, on the supposition that the armament had assembled at Santvliet on the 3rd or 4th of Aug., to which he answers:

"I do not believe from the information I have had respecting the state of the town, that it would have been possible even then to have taken it without heavy artillery."

This opinion, however, the House will observe is contingent upon the accuracy of the intelligence received of the works being repaired, and in a state of defence, the truth of which, I have before questioned, but does not even in that case negative the possibility of success upon the supposition of heavy artillery being employed, provided the attack could have been made at the early period referred to.

I am forced equally to allow that the opinion of sir John Hope, than which, none more entitled to deference can be quoted, is upon the whole unfavourable, as to the ulterior objects of the Expedition.—But I can by no means admit, that fairly understood, it is conclusively so; and this opinion also is open to the remark, that it was formed without any local knowledge of Antwerp, or its defences, or any consideration of the information which ministers had received. Sir John Hope's view of the question may best be collected from his memorandum of the 23rd of August, in which, considering the course which the operation might have taken if circumstances had admitted of an early attack, he thus expresses himself.

"I do not imagine, that Antwerp has ever been in a situation to expose it to be carried by a *coup de main,* nor is there I think reason to conclude from any information that has been received respecting the state of the fortifications, that at any period we could have got possession of it, without erecting works, and bringing heavy ordnance before the place.

"Supposing however that it had been practicable to push a corps of 20 or 22,000 men upon Antwerp, the labours of a siege might thereby have been much lightened, the time necessary to reduce the place much abridged, and it is not an improbable supposition that the influence of panic and surprise combined with an unprepared state of defence might have thrown it into our hands at a comparatively easy rate,"—he then proceeds to state "that if such a moment ever did exist it has now passed over."

I hope I do not presume too much in considering this reasoning as by no means decisive against the undertaking.—It rests in the first place, upon an assumption of the truth of the information obtained on the spot that the works were in repair, it next makes the event depend upon an attack with heavy artillery, a course of attack which I apprehend has been shewn by evidence to have been not only in contemplation, but within our power; and it proceeds to admit as not an improbable supposition, that so attacked, Antwerp might have surrendered.

With respect to the opinions of the chief engineer colonel Fyers, and of general Macleod, the commanding officer of artillery, they have both declared that the attack, which they had the means of making, would have been of a nature sufficiently formidable to destroy the town, if it did not surrender.—These officers were asked, whether they could take upon themselves to answer for the success of the attack? I must put it to the House whether any officer of experience would take it upon himself to answer for the success of any operation in war, and whether the expediency of an attempt can rationally be rested upon such an issue.—It does not lie particularly within the province of military men to form a judgment, whether the garrison and inhabitants of Antwerp were likely to submit to the total destruction of that city, including probably the arsenal and ships on the stocks, rather than to purchase their safety by the surrender of those naval objects for which alone we were contending.

If we advert to the evidence given by the earl of Chatham, we shall find that his lordship entertained a confident hope of success, supposing the army had arrived at Santvliet early in August, and he founded this hope upon his belief of the intelligence which government had received previous to the sailing of the Expedition and upon which the final decision on the enterprise was taken with lord Chatham's concurrence, he being then a member of the cabinet.

When his lordship was asked what was now his opinion of the probability of success supposing the army had arrived at the period referred to, his reply is, that he thinks it would have been even then doubtful, but he expressly rests this doubt upon the supposition, that the intelligence received by him after his arrival in the Scheldt, of the works of Antwerp being completely repaired, was correct, of the truth of which his lordship does not however profess to give any opinion.

General Brownrigg's testimony is much more sanguine as the House will recollect as to the probability of success. And here I may be permitted without disrespect to the noble lord (lord Porchester) to remark on the singularity of his having closed the inquiry into this transaction (as far as depended upon him) without having deemed it necessary to examine either the quarter master general of the army, the chief engineer, or the officer commanding the artillery, every man acquainted with military subjects must be aware that without the information of the officers at the head of these departments no clear or adequate conception can be formed of any military operation, more particularly of one so complicated in its movements as that under consideration, and depending so much for its ultimate success upon the more scientific branches of the service.

The House must feel, I am persuaded, how much they would have lost had they been deprived of testimony so important and delivered with such uncommon clearness and professional ability as the evidence of gen. Brownrigg.

I think I do not assert too much in saying that without the aid of his information both parole and documentary, our means of judging upon this case would have been wholly incomplete, and it is no disparagement to the other distinguished officers, who have been examined upon this subject, to assert, that none have given, none could give a view of the subject so methodical and so comprehensive as that which gen. Brownrigg has furnished to the House. I do therefore rest and am justified in resting much, as far as authority can weigh in such a case in the opinions stated by gen. Brownrigg. The House cannot fail to have read his evidence with attention, it would be doing it injustice to attempt to give a summary of it, but upon the point immediately under consideration, general Brownrigg has distinctly declared, that he was, previous to the sailing of the Expedition, and still continues to be of opinion, that there was a fair prospect of success, had the armament arrived early in August at Santvliet. Such is the case upon which the noble lord (Porchester) has thought fit to propose for the adoption of the House a Vote of Censure, calculated to inflict disgrace if not punishment on all concerned in advising the late Expedition to the Scheldt: and upon what ground?

Is it that we have failed of success, when it has been proved that the failure arose out of causes, which those who framed the Expedition could neither foresee nor controul?

Is it that the plan was ill imagined, or the armament defective and inadequate? That the former was the best calculated to secure success, which under all circumstances could have been devised, has never been questioned; and the latter has been admitted to have been complete and perfect in all its parts.

Is it that due diligence was not used to procure information of the numbers and defences of the enemy? No, the intelligence upon which government acted was ample; its authenticity has been confirmed, as far as it related to the force of the enemy; whilst its accuracy with respect to the defences of Antwerp, although contradicted in some points, has in no instance been actually disproved.

What then has been our offence, that we undertook an operation which we cannot now indisputably prove must have succeeded in all its parts, if prosecuted to a close; are we then to understand, that such is the principle hereafter to be imposed, under the authority of parliament, upon the military counsels of the crown? The fate that awaits the ministers who acted, in the case under consideration, is of comparatively little importance, but the effects of such a principle would be fatal indeed to the future prospects of the country.

In what page of our history, has the noble lord convinced himself, that the interests of the empire would best be consulted by banishing enterprize in war from the service? has it been by the observance of such a principle that our naval power has been raised to its present preeminence? or that the triumphs of our army have been brought to rival those of our navy? was it under the cold maxims of such cautionary principles, that Nelson fought and died, and bequeathed that example to the navy, which must make them for ever invincible? when he attacked at Copenhagen, was his decision taken upon such maxims? was it at Aboukir, when he exposed his ships on an unknown coast, between the shore and the enemy's fleet? or at Trafalgar when he bore down in two columns on the enemy, one third superior to his own fleet in number, exposing his ships to be raked during their advance, by the opposing line, and with orders not to open their fire, till they had passed through and brought up to leeward of their respective opponents?

Was it such principles as these which animated Wolfe when he ascended and stormed the heights of Quebec in presence of a superior army acting in defence of a fortified place? had such principles prevailed in the late war, would lord Melville have dared to send the army he did to expel a superior enemy from Egypt, or should we in this war have so gloriously triumphed at Maida, and at Vimiera?

Fallen indeed would be the greatness of this country, and irreparable its fate, if such notions should be tolerated. Shall a British House of Commons thus lay the chilling hand of death upon the rising energies and accumulating glories of our fleets and armies? doubly humiliating would it be to every British heart, whilst impatient at such a doom, to learn, that they owed this act of national suicide to the degeneracy of their own councils.

I am not contending for rash and improvident exposures of the public force. I have argued that such a charge does not fairly lay against the operation in question; but what I do contend against is, the principle, that nothing shall be undertaken unless every circumstance bearing upon the operation can be previously ascertained, and that nothing shall be risked unless success can be demonstrated to be inevitable.

If you wish to know what prospect of success you really had, in the enemy's judgment at least, look at the measures of precaution he has ordered to be adopted for securing Antwerp, since the attempt was abandoned. Why all these efforts to guard against a danger which never had existence? It is natural for the French ruler to endeavour to disguise from his subjects the degree to which his improvident rashness, his licentious ambition, his usurpations in Spain and his campaigns on the Danube, have exposed the vital interests and dignity of the empire, and whilst he cannot conceal the disaffection of some even of his own departments, the Moniteur, as it is accustomed to do and as it has lately done with respect to the campaign in Spain, will circulate those exaggerations of his power and resources, which may serve to cover his improvidence in France, and to mislead the people of England with respect to the conduct of their government.

But fortunately the essential facts of this transaction rest upon proofs not to be disputed, upon these I confidently rest the decision of the question. Had the government acted differently, heavy indeed would have been their responsibility; with such means and such a prospect of striking a blow; what justification of inactivity could they have pleaded? What would have been the verdict of their opposers had they brought forward such a defence, as might have been framed out of the materials upon which they are now inculpated? Could they have justified themselves upon the speculative difficulties of the attempt for having left an ally unsupported, and a naval arsenal of such magnitude unassailed? The claims of Austria alone would have justified the attempt; its naval policy, independent of all continental motives, rendered it a paramount duty; but when both considerations were combined, hesitation would have been criminal, and whatever might have been the judgment of the House upon such a case, in my own estimation I must have stood irretrievably condemned and disgraced. The government that under such circumstances would not risk the public force, must have been pronounced to be utterly unfit for their situations. I am sure it would have required more than ordinary charity not to suspect that they trembled for their offices, and dreaded the political, rather than the military consequences of failure.

Whatever may be the decision of the House (of which however I cannot bring myself to doubt,) I feel conscious that I have in common with the other servants of the crown done my duty, and however we may have failed in securing for the country all the advantages for which we contended, were it the last act of my life I should pride myself upon the share I have borne in this important transaction.

The House now resounded with cries of "Adjourn," when

Mr. *Ponsonby* rose, and remarked, that the noble lord, in the commencement of his speech, had pleased to observe, that there was a spirit existing on his side of the House, which was determined to draw out in an unfriendly manner every thing relative to the Expedition. In this assertion, however, he was not borne out, for from that side he had experienced much lenity. The noble Lord had said, that the conduct of his Majesty's ministers was to be decided by military opinion. If so, he asked why they were not guided by them? and if they differed, why not consult the practical and scientific knowledge of others? What end could be obtained, if the opinions of all were set at defiance?—The noble lord had said, that all were not encouraging; if he had said that all were discouraging it would have been more likely. There was scarce an officer in his Majesty's service who would say that the Expedition was undertaken with any probability of success. If the noble lord had received any information, and did not communicate it, he was guilty of a great breach of his duty. In lord Chatham's instructions, the proposed and prime object was the attack on the fleet at Antwerp, together with the destruction of the arsenal, &c. at that place; but on the contrary, the noble lord had alleged, that it was for the purpose of giving Austria a chance of success in her struggle with France. The noble lord says that the scheme was merely tried, and the Expedition was not prosecuted. Whatever might be the consequence of lord Chatham's not landing at Bathz, whatever the combined hostility of land and sea might effect, was the House now to determine on that which had never been attempted. His feelings were excited for the inhabitants of the north of Germany, and not for the troops of his country, who were sent out to perish there, in all the miseries of neglect and sickness. The noble lord said, that no failure was to be attributed but that which must always result from risk. Here he differed from what appeared on examination, which expressly proved, that it was necessary fortune should declare in every respect on our side. Did he think that to be the common chance of war, when on the failure of one point the ruin of the whole succeeded? Can he defend the prodigality and folly of this Expedition by calling on the feelings and spirit of the House? But on this subject it was competent for every one in that House to judge. He first said that the capture of Cadsand was necessary for the completion of the Expedition; this on a second assertion was contradicted. Our army cannot be trusted on the continent, for a melancholy reason, because our pecuniary circumstances are such that we cannot pay them there. The taunts of the French are now, one might say, realized, when they call us a nation of shopkeepers and money-lenders; not of warriors and lovers of our country. The noble lord had alleged that the garrison of Antwerp was composed of custom house officers and workmen, but in this he was mistaken, for an account of the 26th of Aug. states, that there were in it 26,000 of disciplined men.—Here the hon. member was interrupted with cries of "Adjourn!" when, after a few moments, he remarked that most of the members had left the House, and as he had so much to say, he should defer it till to-morrow. It was then moved that the House do adjourn; and an adjournment accordingly took place at half-past two.

HOUSE OF COMMONS.

Tuesday, March 27.

[COMPLAINT AGAINST SIR FRANCIS BURDETT.] Mr. *Lethbridge*, in consequence of the notice which he had yesterday given, rose with a degree of pain and embarrassment, which he declared he had never felt before, to make a complaint against one of the members of the United Commons of Great Britain, who, in his opinion, had violated the privileges of the House. He did not mean to enter upon the subject itself, but it was his intention to lay upon the table the document which the hon. baronet, who was the object of the motion, had admitted was published by his authority. For the purpose of saving the time of the House, he had marked certain passages in that document, which, in his opinion, more particularly justified him in the charge which he had preferred against the hon. baronet. (The hon. member then gave in at the table "Cobbett's Weekly Political Register" of Saturday March 24, 1810.)

The *Speaker* desired the clerk to proceed to read the Paper complained of. He wished to know whether the hon. member, or any other hon. member was desirous that parts only, or that the whole of the paper should be read?

Mr. *Lethbridge* lamented that he should intrude upon the attention of the House at a time when so important a discussion as that of the Walcheren Inquiry was in its progress. He repeated that he had marked those passages in the paper which appeared to him to be most obnoxious; at the same time, he had not the slightest objection to the whole being read.

The *Speaker*. Clerk, read the Paper.—

The Clerk accordingly began to read sir Francis Burdett's Letter to his Constituents, but had not finished half a dozen sentences, when

Mr. *Home Sumner* spoke to order. He conceived that it would be extremely convenient to postpone the discusson of this subject, in consideration of the important business which stood for that night.

The *Speaker*, however, declared, that having proceeded so far, it was beyond the power of any hon. member to terminate the proceeding. A complaint having been made against an hon. member of the House, for a breach of privilege, it was indispensable that the House should know the grounds upon which it was preferred; after which, they would determine what course to pursue. Until that time they could not do otherwise than hear the whole of the Complaint, and also the whole of what the hon. member had to say in his defence. The hon. member against whom the charge was preferred would then withdraw, and the House would enter into the consideration of the steps which it would become them to adopt.

The Clerk proceeded to read the Letter and the Argument; of which the following are copies:

SIR FRANCIS BURDETT TO HIS CONSTITUENTS; DENYING THE POWER OF THE HOUSE OF COMMONS TO IMPRISON THE PEOPLE OF ENGLAND.

GENTLEMEN; The House of Commons having passed a Vote, which amounts to a declaration, that an Order of theirs is to be of more weight than Magna Charta and the Laws of the Land, I think it my duty to lay my sentiments thereon before my Constituents, whose character as freemen, and even whose personal safety, depend, in so great a degree, upon the decision of this question—a question of no less importance than this: Whether our liberty be still to be secured by the laws of our fore-fathers, or be to lay at the absolute mercy of a part of our fellow-subjects, collected together by means which it is not necessary for me to describe.

In order to give to this subject all the attention to which it is entitled, and to avoid the danger to be apprehended from partial views and personal feeling, it will be advisable to argue the question on its own merits, putting the individual (however we may deplore his present sufferings) out of view; though at the same time, every man ought to consider the case his own; because, should the principle, upon which the Gentlemen of the House of Commons have thought proper to act in this instance, be once admitted, it is impossible for any one to conjecture how soon he himself may be summoned from his dwelling, and be hurried, without trial, and without oath made against him, from the bosom of his family into the clutches of a jailor. It is, therefore, now the time to resist the doctrine upon which Mr. Jones has been sent to Newgate; or, it is high time to cease all pretensions to those Liberties which were acquired by our forefathers, after so many struggles and so many sacrifices.

Either the House of Commons is authorised to dispense with the Laws of the Land; or it is not. If the Constitution be of so delicate a texture, so weak a frame, so fragile a substance, that it is to be only spoken of in terms of admiration, and to be viewed merely as a piece of curious but unprofitable workmanship; If Magna Charta and all the wholesome Laws of England be a dead-letter: in that case, the affirmative of the proposition may be admitted; but, if the Constitution lives, and is applicable to its ends; namely, the happiness of the community, the perfect security of the life, liberty and property of each member and all the members of the society; then the affirmative of the proposition can never be admitted; then must we be free-men; for we need no better security, no more powerful protection for our Rights and Liberties, than the Laws and Constitution. We seek for, and we need seek for, *nothing new;* we ask for no more than what our fore-fathers insisted upon as their own; we ask for no more that what they bequeathed unto us; we ask for no more than what they, in the Testament which some of them had sealed, and which the rest of them were ready to seal, with their blood, expressly declared to be "*the Birth right* of the People of England;" namely, "THE LAWS OF ENGLAND." To these laws we have a right to look, with confidence, for security to these laws the individual now imprisoned has, through me, applied for redress, in vain. Those, who have imprisoned him, have refused to listen to my voice, weakly expressing the strong principles of the Law, the undeniable claims of this Englishman's "*Birth-right.*" Your voice may come with more force; may command greater respect; and, I am not without hope, that it may prove irresistible, if it proclaim to this House of Commons, in the same tone as the tongues of our ancestors proclaimed to the Kings of old "NOLUMUS LEGES ANGLIÆ MUTARE"; or, in our own more clear and not less forcible language; "THE LAWS OF ENGLAND SHALL NOT BE CHANGED."

The Principle, fellow-citizens, for which we are now contending, is the same Principle, for which the people of England have contended from the earliest ages, and their glorious success in which contests are now upon record in the Great Charter of our Rights and Liberties, and in divers other subsequent Statutes of scarcely less importance. It was this same great Principle, which was again attacked by Charles the First, in the measure of Ship Money; when again the people of England and an uncorrupted House of Commons renewed the contest; a contest which ended in the Imprisonment, the Trial, the Condemnation, and the Execution of that ill-advised King. The self same Principle it was, that was so daringly violated by his Son James the Second; and for which violation he was compelled to flee from the just indignation of the people, who not only stript him of his Crown, but who prevented that Crown from descending to his family. In all these contests, the courage, perseverance, and fortitude of our ancestors, conspicuous as they were, were not more so than their wisdom; for, talk as long as we will about Rights, Liberties, Franchises, Privileges and Immunities, of what avail are any, or all of these together, if our Persons can, at the sole will and command of any man, or set of men, be seized on, thrown into prison, and there kept during the pleasure of that man, or set of men? If every one of you be liable, at any time, to be sent to jail without trial, and without oath made against you, and there to be detained as long as it pleases the parties sending you there (perhaps to the end of your life,) without any Court to appeal to, without any means of redress: if this be the case, shall we still boast of the Laws and of the Liberties of England? Volumes have been written by Foreigners as well as by our own countrymen in praise of that part of our Law, which in so admirable a manner, provides for our personal safety against any attacks of men in power. This has, indeed, been, in all ages, the pride of our country; and it is the maintenance of this principle which enabled us to escape that bondage, in which all the States and Kingdoms in Europe were enthralled by abandoning and yielding it up; and, we may be assured, that if we now abandon it, the bright days of England's glory will set in the night of her disgrace.

But, I would fain believe that such is not to be our fate. Our Fore-fathers made stern grim-visaged Prerogative hide his head: they broke in pieces his sharp and massy sword. And, shall we, their Sons, be afraid to enter the lists with undefined Privilege, assuming the powers of Prerogative?

I shall be told, perhaps, that there is not much danger of this power being *very frequently* exercised. The same apology may be made for the exercise of any power, whatever. I do not suppose that the Gentlemen of the House of Commons will send any of you to jail when you do not displease them. Mr. Yorke did not move for the sending of Mr. Jones to jail, until Mr. Jones displeased him; but, it is not a very great compliment to pay to any Constitution, to say, that it does not permit a man to be imprisoned, unless he has done something to displease persons in power. It would be difficult, I should suppose, to find any man upon earth, however despotic his disposition, who would not be contented with the power of sending to prison, during his pleasure, every one who should dare to do any thing to displease him. Besides, when I am told, that there is little danger that the Gentlemen in the House of Commons will *often* exercise this power, I cannot help observing, that, though the examples may be few, their effect will, naturally, be great and general. At this moment, it is true, we see but one man actually in jail for having displeased those Gentlemen; but the fate of this one man (as is the effect of all punishments) will deter others from expressing their opinions of the conduct of those who have had the power to punish him. And, moreover, it is in the nature of all power, and especially of assumed and undefined power, to increase as it advances in age; and, as Magna Charta and the Law of the Land have not been sufficient to protect Mr. Jones; as we have seen him sent to jail for having decribed the conduct of one of the members as an *outrage upon public feeling*, what security have we, unless this power of Imprisonment be given up, that we shall not see other men sent to jail for stating their opinion respecting Rotten Boroughs, respecting Placemen and Pensioners sitting in the House; or, in short, for making any declaration, giving any opinion, stating any fact, betraying any feeling, whether by writing, by word of mouth, or by gesture, which may displease any of the Gentlemen assembled in St. Stephen's Chapel?

Then, again, as to the *kind* of punishment; why should they stop at sending persons to jail? If they can send whom they please to jail; if they can keep the persons, so sent, in jail as long as they please; if they can set their prisoners free at the end of the first hour, or keep them confined for seven years; if, in short, their absolute Will is to have the force of Law, what security can you have, that they will stop at *Imprisonment?* If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York-Jail as well as to a jail in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but, what is there to restrain them, if they are to be the sole judges of the extent of their own powers, and if they are to exercise those powers without any controul, and without leaving the parties, whom they choose to punish, any mode of appeal, any means of redress?

That a Power such as this should exist in any country it is lamentable to be obliged to believe; but, that it should be suffered to exist, and that its existence should be openly and even boastfully avowed, in a country, whose chief glory has been its free constitution of government, is something too monstrous to be believed, if the proof were not before our eyes. Had the least doubt hung upon my mind of the illegality of the proceedings in the present case, it would have been altogether removed by the answers given to the references made by me to the Great Luminaries of our Law and to the Laws themselves. The Argument, by which I endeavoured to convince the Gentlemen of the House of Commons, that their acts, in the case of Mr. Jones, were illegal, I shall now lay before you, in a more full and connected way than it could possibly be done by the Parliamentary Reporters; and, in doing this, I shall do all that now remains in my power towards the correction of this, as I deem it, most enormous Abuse of Power, and most dangerous of all encroachments upon the Rights and Liberties of Englishmen. I remain, Gentlemen, Your most obedient, humble Servant,

FRANCIS BURDETT.

Piccadilly, March 23, 1810.

THE ARGUMENT, &c.

In order to make clearly understood the Argument which is here submitted to the consideration of the Public, it will be necessary, first, simply to state the question about to be discussed, as it was proposed originally to the House of Commons, and to endeavour to put out of view altogether, as making no part of the present enquiry, every other Privilege or Power for which the House of Commons may contend. I am the more anxious upon this point, on account of the difficulty experienced during the discussion in the House of Commons of keeping separate, things, in their nature totally dissimilar, and quite distinct, but always confounded: namely, The other Privileges and Powers contended for by the House of Commons, and that which we are now about to discuss; namely, "*The Power exercised by the House of Commons of passing a Sentence of Imprisonment on any person not being a Member of that House.*" It will be necessary to keep our minds constantly fixed upon this simple question alone, and to apply to it, and to it only, all the arguments about to be adduced in the course of this enquiry.

Had I not been prevented by indisposition from being present when the House of Commons passed by vote a Sentence of Imprisonment on Mr. Gale Jones, I should have endeavoured to shew, That under the false notion of Privilege, they were exercising a power, and committing an act of oppression, ill suited to the character of Guardians of Public Liberty, and destructive of the first and most important object of the Constitution, viz. "The Personal Security of the Subject."

Though I was well aware of the greater difficulty of persuading men to recall an act once committed, than to prevent its commission—it being much more easy to slide into than to recover from error—I would not allow that consideration to deter me from what my duty called upon me to attempt. To others I shall always leave fanciful ideas, suggested by wild metaphysical imaginations, on the supposed nature of what they may be pleased to call Privilege, or any other chimerical, undefined non-descript; and, as a plain man, be content, upon this as upon all other occasions, to be guided by the old Laws of the Land: in which alone I am able to find THE CONSTITUTION of this Country—the Liberty which I claim as the inheritance of Englishmen—and that Standard by which and by which alone, every act and proceeding of any man or body of men ought to be measured.

The Common Law of the Land is the inalienable inheritance of the people—it is, says Lord Coke, "The Inheritance of "Inheritances; it is the best birth-right "the Subject hath, for thereby his goods, "lands, wife, children, his body, life, honour and estimation are protected from "injury and wrong. *Major hæreditas "venit unicuique nostrum a jure et legibus "quam a parentibus.* It is highest above "the highest: None are above its reach, "nor any beneath its protection; Its "foundations are laid broad and deep in "nature and reason, and therefore not to "be removed from those foundations by "any power upon earth*." "The Law "of England," says the great Lawyer Plowden, "is no other than pure and tried "reason†." And, according to Lord Coke, "the absolute perfection of Reason. The ground whereof is beyond "the memory or register of any beginnings‡."

The question, then, for the People to consider, is, Whether a Vote of the House of Commons can deprive them of these their imprescriptible Rights?

Many are the statutes, which, embodying these principles of the Common Law, have declared, That no Order, Writ or Commandment whatsoever, either from the King or any other, shall stop the Common Law: That it shall by no means be delayed, being the surest sanctuary for the innocent, and the strongest fortress to protect the weak. It has clipt the wings of high-flying Prerogative; and will, I trust, yet dissolve the potent spell of undefined Privilege of Parliament: for there are no Powers or Privileges, even the highest, that are not bounded by the known ascertained Laws of the Land. If, therefore, any man, or set of men, lay claim to Privileges or Powers, not recognized by, but repugnant to, those Laws; such claims ought to be legally resisted by every one who values regulated Liberty, and abhors Anarchy or Despotism, the never-failing consequence of departing therefrom.

Founded on such a basis; fortified by such Authorities as I shall have occasion to appeal to in the progress of this enquiry, I have little doubt of being able to convince every impartial mind, that the House of Commons, by proceeding to judgment—passing a Sentence of Imprisonment, and issuing a Warrant of Commitment, has gone beyond its prescribed limits, acted in a manner inconsistent with the ends of its institution; and violated the fundamental principles of the Law and Constitution of the Land. And this I shall prove by the application of the standard of the law to the Proceedings of that House.

To bring this question fairly into discussion, it will be necessary to state the origin and extent, from which will appear the nature and reason, of the Privileges of members of Parliament.

The first mention of Privilege of Parliament is to be found in Spellman, who records a law of king Canute, "*Omnis homo "eundo ad Gemotum, vel redundo â Gemoto "habeat pacem.*" That every one going to, or coming from the Witenna gemotte, should have protection.

The next notice of Privileges is to be found in two Writs of supersedeas of Edward the second, to privilege members from being sued in any court, (sitting the parliament) and which are still extant.

The extent of these Privileges cannot be better set forth than in the following Order of the House of Commons, of the 1st of June, 1621, supposed to have been drawn up by Sir Edward Coke, then a leading member of the House:

"Ordered, upon question, That if any "arrest, or any distress of goods, serving "any process, summoning his land, citation or summoning his person, arresting "his person, suing him in any court, or "breaking any other privilege of this "House, a letter shall issue, under Mr. "Speaker's hand, for the party's relief "therein, as if the parliament was sitting; "and the party refusing to obey it, to be "censured at the next Access."*

On the 18th of December, 1621, the following Protestation concerning the Privileges of the House of Commons, was agreed to, and ordered to be entered in the Journal:

"The Commons, now assembled in "parliament being justly occasioned thereunto, concerning sundry Liberties, "Franchises, Privileges, and Jurisdictions "of Parliament, amongst others not herein "mentioned, do make this Protestation "following: That the Liberties, Franchises, Privileges and Jurisdictions of "Parliament, are the ancient and undoubted birthright and inheritance of "the subjects of England; and that the "arduous and urgent affairs concerning "the King, State, and the Defence of the

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[*] See also Co. Lit. 141. a. 2 Inst. 56, 63.

[†] Plowden, 316.

[‡] See also Co. Lit. 976, 2 Inst. 179.

[*] 1 Commons' Journal, 634.

"Realm, and of the Church of England "and the making and maintenance of "laws, and redress of mischiefs and grievances, which daily happen within this "realm, are proper subjects and matter of "counsel and debate in parliament: and "that in the handling and proceeding of "those businesses every member of the "house hath, and of right ought to have, "Freedom of Speech, to propound, treat, "reason and bring to conclusion the same: "that the Commons in parliament have like "liberty and freedom to treat of those matters in such order, as in their judgments "shall seem fittest: and that every such "member of the said House hath like freedom from all impeachment, imprisonment and molestation (other than by the "censure of the House itself) for, or concerning any bill, speaking, reasoning or "declaring any matter or matters, touching the parliament or parliament business; and that, if any of the said members "be complained of, and *questioned* for any "thing said or done in parliament, the "same is to be shewed to the king, by "the advice and assent of all the Commons assembled in parliament, before "the king give credence to any private "information."*

The nature and reason of these Privileges are declared by a Resolution of the House of Lords, May 28th 1624. On which day, the Earl Marshal, from the Committee for searching Precedents to sustain the Privileges, &c. of the House, made the following Report: viz.

> "How far the Privileges of the Nobility "do clearly extend, concerning the "Freedom of their Servants and followers from Arrests.

"To all their menial servants and those "of their family, also those employed, "necessarily and properly, about their "estates as well as their persons.—This "freedom to continue twenty days before "and after every session; in which time "the Lords may conveniently go home "to their houses in the most remote parts "of the kingdom.—That all the Lords, "after the end of this session, be very "careful in this point, and remember the "ground of this Privilege; which was, "only, in regard they should not be distracted, by the trouble of their servants, "from attending the serious affairs of the "kingdom; that therefore they will not "pervert that Privilege to the public injustice of the kingdom, which was given "them, chiefly, that the whole realm "might in this High Court, draw the "clear light of justice from them. In "which case, every one ought rather to "keep *far within*, than any way exceed "their due limits.—That hereafter, before "any person be sent for in this kind, the "lord whom he serves shall, either by "himself or by his letter, or by some "message, certify the House upon his honour, that the person arrested is within "the limits of the privilege before expressed.—And, for the particulars, they "must be left to the judgment of the "House, as the case shall come in question; wherein the House wants no "means as well by oath as without, to "find out the true nature of the servant's "quality in his lord's service. Thereupon, "if it be adjudged by the House contrary "to the true intent, any member whatsoever must not think it strange, if in such "a case, both himself suffer reproof, as "the House shall think fit, and his servant "receive no benefit by the privilege, but "pay the fees; because the justice of the "kingdom must be preferred before any "personal respect, and none to be spared "that shall offend after so fair a warning. "—Ordered to be observed accordingly, "with this alteration, viz. This freedom to "begin with the date of the writ of summons and to continue twenty days after "every session of parliament*."

We may reasonably conclude, that all the Privileges, the House of Commons then thought itself intitled to, were enumerated in the Order of the 1st of June 1621, as sir Edward Coke, so well acquainted with, and then contending for them against the undue prerogative of the crown, claimed no more.

Whenever these Privileges, so modestly and reasonably claimed, and so necessarily complied with, were infringed, they were as modestly and reasonably maintained by an appeal to the tribunal of the laws: which is apparent by reference to all the Cases of Privilege which occurred up to the time of the Civil War. As for instance:

In 1427, one Richard Chedder, a menial servant, attending upon sir Thomas Brooke one of the knights for Somersetshire, who was assaulted, beaten, and cruelly maimed, was content to seek redress by law *.

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* 1 Cobbett's Parl. Hist. 1361.

* 1 Cobbett's Parl. Hist. 1488.

In 1430, William Larke, servant to William Mildred, one of the members for the City of London, was committed to the Fleet on an execution of debt, and delivered in due course of law †.

And in 1433, an act of parliament was made, affixing a heavier penalty for the assaulting a member, than the law had previously inflicted. The act is entitled "An Act against assaults made upon Lords or others coming to the parliament."

In 1456, Thorpe, the Speaker, was arrested at the suit of the duke of York, on which the Commons appealed to the whole parliament, who referred the case to the Judges, whose opinion was in favour of Thorpe's being entitled to privilege: notwithstanding which, the Parliament decided otherways, and the Commons acquiesced and chose another Speaker ‡. What is remarkable in this case is, that both the Judges and the Parliament appeal to the same maxim: both apply the same argument as conclusive, viz. "That the party aggrieved could have no redress, and that there could be no wrong without a remedy." The Judges determine from this maxim and from this reason, that no general Writ of *Supersedeas* could lye, "because" (say they,) "if it could, the High Court of Parliament, from which all justice and equity ought to flow, would seem to stop the course of justice, and leave the party aggrieved without remedy." And the parliament yield to this same reason set forth by the duke of York in the argument against Thorpe's being allowed Privilege, viz. "That in case it was granted to Thorpe in this instance, the party aggrieved could have no remedy." So that we have the Opinion of the Judges and the Decision of the Parliament equally determined by the never failing maxim, "That there can be no Wrong without a Remedy."

In 1461, Walter Clarke, a Member arrested, was relieved by law ||.

In 1472, John Walsh servant to the Earl of Essex, being sued in the courts below, pleaded Privilege not to be sued, as being servant to a member of parliament: but the Judges decided that there was no such Privilege §.

In 1543, in the case of George Ferrers, who was arrested, and who, as well as being a member of parliament, was servant to the king—*on which account*, the Commons seem to have proceeded in a different manner, by sending the Serjeant at Arms *for the first time*, to relieve their member. This was resisted by the Sheriffs with violence, the Serjeant had his mace broke and returned without the member; whereupon the Sheriffs were summoned before King, Lords and Commons, who referred their punishment to the latter, who sent them to jail *.

In 1545, Trewynnard, a member, was arrested and relieved according to law by writ of Privilege; for obeying which, the Sheriff sustained an action for escape †.

Another case in the reign of Henry the 8th is very remarkable, namely, that of Mr. Stroud a member; who for bringing a bill into parliament for regulating the Tinners in Cornwall, was upon the breaking up of parliament *questioned* for it in the Court of Stannaries—fined and imprisoned in Lilford Castle; but relieved by due course of law, by Writ of Privilege ‡.

In 1580, the singular and complicated Case of Mr. Hall, a member, occurs, who having written a Book derogatory to the character of the House, and having published the same against its Orders and misrepresented its Proceedings; and having besides written an impudent Letter to the Speaker, and being absent when ordered to attend in his place, was imprisoned ||.

In all these Cases we may observe that Members, when their Privileges were violated, and their Persons arrested, were content to appeal to the Law, and had that tenderness and respect for other men's Rights as well as their own Privileges, as to make provision for the interest of creditors, when affected by their Privileges, and to indemnify officers against actions for escape, to which they were legally liable for giving up their prisoners. And never did the Members of the House of Commons presume to overleap the bounds of the Constitution, and take the law into their own hands, till the days of the Long Parliament; when, from the peculiar circumstances of the country, in order to resist the arbitrary encroachments of a despotic Prince, the House of Commons found it absolutely necessary in the struggle, not only to extend their Privileges, but to assume powers, the exercise of which abolished the House of Lords, brought the King to the block, and ultimately dissolved the whole frame of the Government. If these usurpations of Power were not only acquiesced in, but strenuously supported by the People, it was because they were supposed to be indispensibly necessary to enable the House of Commons to stem the torrent of tyranny which was sweeping every thing before it to destruction; and as the only means of wresting from the grasp of despotism, the expiring Liberties of the country.

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* 1 Hatsell, 14. † Ibid. 17.
‡ Ibid 28. 1 Cobbett's Parl. Hist. 392.
|| 1 Hatsell, 35. § Ibid. 41.

* Ibid. 53. 1 Cobb. Parl. Hist. 553.
† 1 Hatsell, 59.
‡ 1 Hatsell, 86. 126. 206. || Ibid. 93.

But these, surely, are not sources sufficiently clear, nor times sufficiently analogous to justify our drawing thence instances, miscalled Precedents, to countenance similar proceedings under a legal, settled, and established system of government. But as every day's experience will inform us how reluctantly all men relinquish power and authority, which they have once exercised, even after having experienced its mischiefs, so was the House of Commons after the Restoration unwilling to yield up its usurped power and authority, submitted to in times of trouble and commotion, but incompatible with the return of order and the laws.

Accordingly, we find in the Cases of Dr. Carey, Mr. Fitten, sir Samuel Barnardiston, Shirley, and Stoughton *versus* Onslow, the pretensions to power under the name of Privilege still clung to by both Houses of Parliament, but as constantly denied and resisted by each House in its turn; the one always denying the usurpation of the other, and the parties aggrieved the authority of both: consequently no power or authority is acknowledged or allowed to belong to either. But the following Case, which occurred about the same time, and which having been argued at a Conference between the two Houses is entitled to more particular notice, is that of the four Counsel in the Appeal of sir Nicholas Crispe *versus* the lady Bowyer, Dalmahoy and others, who were taken into the custody of the Serjeant at Arms, for pleading before the Lords contrary to an Order of the House of Commons to forbid them; at which Conference, the Lords assert, That the House of Commons is no Court, has no authority to administer an Oath, or to give a Judgment; that it is a transcendant invasion of the Liberty of the Subject; that it is against Magna Charta, the Petition of Rights, and many other laws, which have provided, That no freeman shall be imprisoned or otherwise restrained of his liberty but by due process of law; that it tends to the subversion of the government of the kingdom, because it is in the nature of an Injunction from the Lower House; which has no authority or power of jurisdiction over *inferior subjects*, much less over the King and Lords:* Which arguments not to be controverted, the House of Commons contented itself with replying to, by retorts upon the assumed jurisdiction of the House of Lords, and by advancing empty assertions of its own authority, without attempting to offer a shadow of proof in their support.

But in the Case of sir Samuel Barnardiston before mentioned, it is curious to observe the two Houses changing sides. The House of Commons then becomes, in its turn, the advocate for Magna Charta and the Rights of the People against the usurping jurisdiction and arbitrary pretensions of the House of Lords. Each House deciding as equitably against the unjust pretensions of the other, and according to the laws and the interest of the public; and as regardless of all equity, the public interest and the laws, when taking upon it to decide in its own cause; thus affording a strong additional illustration of the old wholesome doctrine, "That "no one ought to be judge in his own "cause."

From this period to that of the Revolution, the first instance that occurs, is that of a Pamphlet on clipping and coining guineas. The House of Commons offered a reward for the discovery of the author, and ordered the Pamphlet to be burned.

The next case that occurs is that of Dr. Welwood, who published a weekly paper, reflecting upon the whole House. He was reprimanded and discharged.†

Complaint being made against a Book entitled "King William and Queen Mary Conquerors," said to be written by Charles Blount, esq., it was ordered to be burnt: as likewise was a Pastoral Letter at the same time. ‡ Dyer, a Newspaper man, was reprimanded for publishing Debates, and discharged.||

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* 4 Cobbett's Parl. Hist. 733.

† 5 Cobbett's Parl. Hist. 658.

‡ Ibid. 756.

|| Ibid. 862.

Having briefly noticed these unimportant Cases, I shall next proceed to direct the public attention to the remarkable Case of Bridgeman *versus* Holt* in 1696-7. The duchess of Grafton having claimed under a patent of Charles the second, a right to appoint the Clerk to the King's Bench, Lord Chief Justice Holt contested the claim. It was a trial at bar, and was decided against the Duchess in favour of Lord Chief Justice Holt. Upon which, the counsel of Bridgeman, who had been nominated as Clerk by the Duchess, tendered a Bill of Exceptions, which the Justices refused to seal. In consequence of which, a Petition, complaining of the conduct of the Judges, was presented to the House of Lords, accusing sir Wm. Dolben, sir Wm. Gregory, sir Giles Eyre, Justices of the King's Bench, of acting illegally in having so refused. They were, in consequence of this Charge, summoned by the House of Lords to appear before them, and answer to the complaint made in the Petition. Which the Judges refused to do: and they, in a solemn, well digested Argument, denied the Jurisdiction of the House of Lords, insisted upon their undoubted Right as Englishmen, to a Trial by a Jury of their equals, in case they in any thing were accused of having done wrong, and claimed the benefit of being tried according to the known course of the Common Law: they relied upon Magna Charta as freeborn Englishmen, which they said, was made for them as well as for others; that all Powers and Privileges in the kingdom, even the highest, are circumscribed by the laws, and have their limits. In the Courts of Westminster (said they) the Law is determined by one, and the Fact ascertained by another; *here*, both the Law and the Fact would be in the same hands. If the House of Lords should punish, could such order stop or bar the legal process hereafter? or be used below as a recovery or acquittal?—as an *autrefois convict?* or *autrefois acquit?* Would the Proceedings in the House of Lords save them from the trouble of answering to an information or indictment *for the same thing* elsewhere?

Here it is to be remarked, that when the Judges of the land were attacked by an unwarrantable power, they sheltered themselves behind the broad shield of Magna Charta and the Trial by Jury, well knowing the value of such a protection—and they conclude with these memorable words: "Some persons have, perhaps, from a diffidence of success, or from a slavish fear, or private policy, forborne to question the power of their superiors, but the Judges must betray their reputation, and their knowledge of the laws if they should own a jurisdiction which former times and their predecessors were unacquainted with." Whereupon, the Petition was dismissed.

If these reasons were conclusive against the jurisdiction of the House of Lords, they apply much more forcibly to the House of Commons: for the House of Lords retains the judicial authority of the parliament, being a Court of Appeal; but, the House of Commons has no judicial function to perform, and is no court at all. The Judges claimed no more than their right as commoners of England in Magna Charta and the Common Law of the land; which they contended, and with success, admitted of no man's being tried, except by a jury of his equals. They affirmed, that all Powers and Privileges in the kingdom, even the highest, are circumscribed by the laws of the land, and that they, the Judges, would betray a slavish fear and gross ignorance, if they permitted such an usurpation to be drawn into a precedent unknown to former times.

These arguments, which need no further comment, ought to have been sufficient to put an end to all such pretensions in either House of Parliament for ever; but so reluctantly do all men part with power, that we find the Lords in the very next year, 1697, in the Case of Lord Banbury, summoning Lord Chief Justice Holt to appear before a Committee of their House; but Lord Chief Justice Holt refused to appear, and the Lords listened to the voice of reason, and dropped their pretensions.

From these solemn acts of venerable Judges in good times, it is evident, that undefined Privileges in the Houses of Parliament were unknown to the Constitution and the Law; though, sometimes, perhaps, yielded to from ignorance or fear, but in which the Judges who knew the laws would not acquiesce.

This sound exposition of the Law, and the conduct and example of the Judges, might reasonably have been expected to operate as a prevention of any further disquietude of an English subject from the power of either House of Parliament: and that it did produce a considerable effect, we may presume from the number of subsequent Cases, in which neither House presumed to trench upon the liberty of the Subject. For instance: in the year,

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* Showers's Cases in Parl. 111.

1698. Molyneux's "State of Ireland." He refused to appear, and the House of Commons addressed the King to discontinue the like works in future.

1699. Mr. Chivers, a member, was ordered to attend for a contempt; but declined coming: and, next day, on its being put to the vote, Whether he should be taken into custody by the Serjeant at Arms? it was carried in the negative.

1702. Doctor Drake's "History of the last parliament," a libel.

1707. Doctor Friend's "Account of Lord Peterborough's Conduct in Spain," a libel.

1719. Hall's "Sober Reply,"—a work against the Trinity.

1750. "Constitutional Queries."

1763. Wilkes's "Essay on Woman," to which the name of Bishop Warburton was prefixed as the author.

1763. Wilkes's "North Briton, No. 45."

1763. Veni Creator paraphrased.

In all of which Cases, whether for libelling any member of either house, or the whole house, or both houses, or the whole frame of the government, both Lords and Commons were content to pursue the known course of the Law, and left the party accused to be tried by the law of the land and a jury of his country.

There is a Case which, though prior in point of time, I have reserved for the last, because it demands a few observations: That of the Kentish Petition* in 1701, presented to the House of Commons by Mr. Colepepper and four other Kentish Gentlemen: voted by the House libellous, seditious, and a breach of privilege, and for presenting which the House of Commons sentenced these five gentlemen to be imprisoned. Is this an act to be justified and drawn into precedent? And of what avail is any precedents from the proceedings of an assembly whose conduct is arbitrary, and whose actions are measured by the crooked cord of its own discretion, not by the golden meteyard of the law?

The next and the last Case I shall have occasion to adduce, is that of the Middlesex Journal, in 1771, when the Messenger of the House of Commons was sent by their order to arrest the Printer; instead of which, the Printer took up the Messenger, and brought him before Crosby, Lord Mayor, and Aldermen Wilkes and Oliver, who committed the Serjeant. Notwithstanding this outrage which the House of Commons sustained by the attack upon its officer, it presumed not to touch any of the offending parties, except its own members, the Lord Mayor and Alderman Oliver; passing over the Printer, the Journalist, and Alderman Wilkes, who, at that time was not a member of the House —than which disaffirmance of its power a stronger proof cannot be conceived.

Lest it should be possible that any person should attach the slightest importance to the Resolutions of either House of Parliament, which may go to affect those who are not members of those bodies, it may be necessary to remark, that the Journals furnish Resolutions of the most contradictory nature: for instance,

April 3, 1626-7, Resolved, "That the "Writ of Habeas Corpus cannot be denied, but ought to be granted to every "man, that is committed or detained in "prison, or otherwise restrained by the "command of the king, the privy-coun- "cil, or any other; he praying the "same†."

June 9, 1705, Resolved, *nem con.* "That "no commoner of England, committed by "Order or Warrant of the House of Com- "mons, for breach of privilege, or con- "tempt of that House, ought without "order of that House to be, by any Writ "of Habeas Corpus, or other authority "whatsoever, made to appear and answer, "and do, and receive a determination in "the House of Peers, during the session "of parliament wherein such person was "committed‡."

And, in 1740, in Walpole's Case, it was resolved by the Lords, "That any attempt "to punish a man without a trial or hear- "ing, was contrary to the natural princi- "ple of Justice and Liberty." And, in the Case of Skinner *versus* the East India Company, in 1675, the Commons Resolved, "That assuming a jurisdiction "over the Case, being relievable at com- "mon law, is contrary to law, and tends "to introduce arbitrary power."—But, to

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* 5 Cobbett's Parl. Hist. 1520. See also "The History of the Kentish Petition," in the Appendix to the same volume, No. XVII.

† 2 Cobbett's Parl. Hist. 259.

‡ 6 Cobbett's Parl. Hist. 431.

Resolutions of the House of Commons, Sir Fletcher Norton said, when Attorney General, (and he was afterwards selected, for his knowledge of the laws, usage, and custom of parliament, to fill the Chair,) "He would pay no more respect, than to the Resolutions of so many drunken porters at an ale-house." The expression was coarse, but the principle is just.

It has been shewn, from the Opinions of learned Judges—from the Declaration of both Houses of Parliament, when not judging in their own cause,—and from undeniable legal Maxims, that the power exercised by the House of Commons, of passing a Sentence of Imprisonment upon any person, not a member of its body, is contrary to the Common Law, to Magna Charta, and every constitutional principle. I will now go further, and undertake to prove, that not only every fundamental principle of the Common Law has been violated, but that every express provision of the Statute Law, for the personal security of the subject, has been transgressed. For which purpose it will be necessary to examine strictly, and with the utmost precision, what the legal and constitutional functions of the House of Commons are: supposing, for the sake of the argument, that they are the fairly chosen Representatives of the People. Its Privileges we have enumerated from the highest authority. Let us now consider its Powers—begging that the Reader will never lose sight of the wide distinction between Privilege and Power.

Its Powers, then, briefly are: To remove Obstructions to its Proceedings: to abate a Nuisance legally called Contempt: As the Grand Inquest of the nation (which very term is enough to shew that its office is but to inquire, not to punish), it has authority to summon Witnesses for the purpose of instituting Inquiries into Public Grievances—of controuling Public Expenditure, and of impeaching Public Delinquents, in furtherance of justice, with a view to Judgment at the Tribunal of the Laws.

Such being its Powers, it will be necessary, in the next place, to examine it in another point of view, viz. as a Court exercising judicial Powers. And here, at the outset, we discover, that it is not a Court of Record, because it cannot hold Plea of Debt or Damage to the amount of forty shillings. Lord Coke says, "That a "Court *not* of Record, is where it cannot "hold Plea of Debt or Damage to the "amount of forty shillings;" and he expressly lays it down, "That no Court not "of Record can fine or imprison," as resolved *per totam curiam*, on argument in Griesley's Case, as well as by Holt, in the Case of Grenville, *versus* Barwell. To impose a Fine of the lowest denomination the House of Commons has relinquished its former pretensions. If it does not, then, presume to impose the smallest Fine, does it not necessarily follow, that it cannot inflict the higher punishment of Imprisonment? It is an acknowledged maxim in Law: "*Cui minus non convenit, ei non majus convenit*;" and of how much more value, in the eye of reason and the Law, is a man's Person, than his property, though it protects both? To what end, indeed, should a man acquire Property, if his person is insecure? The notion entertained by our old lawyers, respecting Imprisonment, which is the highest execution of the law short of death; the importance attached by them to the power of imprisoning men, may be collected from Lord Coke, who says, "That a man in prison "is dead in law; he is *homo mortuus*, lost "to society, himself, his family, and his "friends; and that a man indefinitely im- "prisoned, is a man in Hell." And the Gospel says, "Is not the Life more than meat and the Body than raiment?" in which word "raiment" all external possessions are included.

This part of the subject may be reduced to a Syllogism:—

> No Court, that cannot hold Plea of Debt or Damage to the amount of forty shillings, is a Court of Record:
>
> The House of Commons can hold no such Plea;
>
> Therefore is not a Court of Record—therefore cannot fine or imprison.

We will now try this pretension of the House of Commons by the test of its own proceedings.

The party is summoned to the bar to answer interrogatories. Should he be unwilling to do this, he is sent to prison.—See the Case of Mr. Howard, 1675*. Should he confess, he is likewise sent to prison. See the Case of Mr. Jones, 1810. No legal evidence can be brought. The House is stopped *in limine*; for it cannot administer an oath, and Magna Charta, who, says my Lord Coke, is such a fellow, that he will bear no equal—arrests its further progress

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* 4 Cobbett's Parl. Hist. 770.

—declaring, "That no man shall be put "to his law on the bare suggestion of an-"other, but by lawful witnesses." Therefore, the House cannot proceed to trial: consequently, can deliver no Judgment—can pass no sentence. Magna Charta declares, "That no freeman shall be arrest-"ed, imprisoned, or in any way destroyed, "but by the Judgment of his Peers, or the "Law of the Land;" and these words, *per legem terræ*, or law of the land, are well and fully explained by the statutes in confirmation of Magna Charta. The 5th, 25th, 28th, 37th, and 42d of Edward the 3d: which declare, That no man shall be put to answer without presentment of good and lawful men, before Justices, or matter of record, or writ original, or in due process of law. They also declare, That all enactments contrary to Magna Charta, are *ipso facto* null and void. And hereupon, says Lord Coke, all Commissions are grounded, always having this Sentence, "*Facturi quod ad justitiam pertinet, secundum legem et consuetudinem Angliæ.*" It is not, says Lord Coke, "*Secundum legem et consuetudinem Regis Angliæ,*" lest it should be thought to bind the King only. Nor is it, "*Secundum legem et consuetudinem Populi Angliæ,*" lest it may be thought to bind the People only;—but *per legem terræ, id est Angliæ,* that the law may extend to all.

Empson and Dudley committed grievous oppressions under cover of an act of Henry the 7th; which shews the danger of shaking this fundamental law by delegating discretionary powers to Justices of the Peace or others, without trial by twelve lawful men. To repeal which, the 1st of Henry the 8th was enacted, and "to deter," says the Act, "others by their fearful end, from similar courses, and to admonish future Parliaments, that instead of this ordinary and precious Trial *per legem terræ*, they bring not in absolute and partial trials by discretion." It is worthy of remark, that Empson and Dudley were hanged, for going contrary to Magna Charta, notwithstanding that they acted under the authority of an Act of Parliament; and, above all, we should lay to heart, that warning given to future Parliaments, not to take away the precious Trial by Jury, and not to introduce discretionary jurisdiction contrary to Magna Charta and the Common law*.

Yet, limited and circumscribed as the House of Commons is—having no means of trial—no rules of judicial proceeding—being no Court of Record—not presuming to fine—not competent to administer an oath—nevertheless, it takes upon itself; first, to determine the crime *ex post facto*: secondly, it calls upon the accused, to criminate himself, contrary to every principle of English law: and in this extrajudicial manner upon a man criminating himself (so far as avowing himself the author of what has not been proved to be a crime, can be called criminating himself) the House proceeds to Judgment, and investing itself with all the powers of Grand Jury, Petty Jury, Accuser, Judge and Executioner, without evidence, without trial, it pronounces a Sentence of indefinite imprisonment, and this in its own cause—where, least of all, it should take upon itself to decide.

Let us next examine these proceedings by the rules of the Law, and again recur to that grand expounder of the Law, Lord Coke; who says, 1st Inst. sec. 3d.—"No "man can be arrested or imprisoned con-"trary to the form of the Great Charter." 2d Inst. 46, 3d Inst. 209—"No person is to "be imprisoned, but as the law directs, "either by command, or order of a Court "of Record, or by lawful warrant, by "which one may be detained lawfully to "answer the law."

Every oppression under the colour of authority is a kind of destruction; and Magna Charta says, "No man "*aliquo "modo destruatur.*" Every oppression tends to destruction: but that is the worst oppression which is done under colour of Justice. Edward the 6th incorporated St. Albans with power to make Ordinances: They made a Bye-law with a penalty of imprisonment. This was adjudged void—because contrary to Magna Charta—because "*Nullus liber homo capiatur.*" No freeman shall be imprisoned, &c. On the same account, a Commission under the Great Seal to arrest a notorious Felon, was resolved to be against Magna Charta—because no man shall be brought to answer—not being indicted or appealed by the party or other process of law. By the 2d of Henry 4th it is enacted, "If any man be arrested or imprisoned against the form of the Great Charter, that he be brought to his answer and have right."

These are some of the numerous Provisions for the safety of the people, arising out of the Common and recognized by the Statute Law. These are the glorious Privileges of Englishmen; their imprescriptible, inalienable Liberties: "claimed, insisted upon and demanded" by the Bill of Rights, and sealed and sanctified by the blood of their forefathers:

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* See 1 Cobbett's State Trials, No. 26.

"At once the pride and safeguard of the land."

Shall these Bulwarks, that have withstood the pelting storms of the Prerogative of the Crown, be sapped and undermined by the creeping Privilege of Parliament? Yet will this be the case, if the House of Commons be permitted to usurp a Power never pretended to by our most arbitrary kings.—But no! the Laws, Cases, and Authorities, before cited, are positive: They make no reservation of Privilege of Parliament; much less of Power of the House of Commons; but on the contrary, are conclusive against both.

Let us now try, by another touchstone, this Power exercised by the House of Commons.

It is an acknowledged maxim in Law, That there can be no Wrong without a Remedy. When Edward the Fourth asked Chief Justice Markham; If he could not arrest a man? "No," said the honest Chief Justice, "Your Majesty cannot arrest any man even for treason; because the party, if aggrieved, could have no remedy; but if he was arrested by any officer of your Majesty, he could have his action for false imprisonment." This unanswerable argument is equally applicable to the House of Commons.

To whom does it hold itself accountable?

Against whom or what can a party aggrieved bring his action?

Where look for redress?

Here is an argument, which our old lawyers considered as conclusive to any point: as may be seen in all their pleadings. It is the legal, "*reductio ad absurdum*,"—a failure of justice, which neither Law nor Reason will endure.

What the Duties, Privileges, and Powers of the House of Commons are, have been already shewn. In contemplating the Constitution of this country, which will appear more admirable, the more closely it is viewed, and the more minutely it is investigated, we should be careful not to confound its parts: to bear in mind that the House of Commons is not the High Court of Parliament—that Parliament consists of three Estates—the King—the Upper—and the Lower House—That each of these has its own peculiar functions, and that no one separately has any power except over its own Members. Certainly not to bind the Subject. It is universally admitted by all writers upon the science of Government, that the legislative, executive, and judicial powers in a state should be kept distinct; that the monster Despotism is generated by their union; and that Justice and Liberty are promoted and assured by these powers being kept separate and distinct. Accordingly, the Laws of England keep not only the great outlines, but every part of each feature distinct. The great outlines are, The King entrusted with the execution of the Laws; yet cannot the King execute any law; but he is bound to delegate his authority to officers of the law. Why?—because, if it were otherwise; if a subject was injured, he could have no redress. There would be a wrong without a remedy; which the law will not endure. The King can do no wrong: that is, the King can do no act but by the prescribed forms of the law: Somebody or other must, consequently, be answerable for it.—When the Petition of Right was presented to Charles the First, the House of Commons would not accept of the King's Answer, though yielding to their wishes, because it was not couched in the precise and formal phrase of the law: they therefore addressed the King for a more full, explicit, and satisfactory Answer. Nor were they contented, until the King coming down to the House of Commons told them, "He had an answer now to give, he was sure would please them;" and accordingly, when they again presented the Petition—he returned the desired Answer in the precise legal form, "*Soit droit fait comme il est desire,*" with which they were satisfied.*

As the Legislative is kept distinct from the Executive, so is the Judicial from each and both. An English Court of law is an object worthy the contemplation of every mind that delights in Justice. So is every step of constitutional and legal proceeding. Is any person accused of having committed an offence, information upon oath must be given before a sworn magistrate, who is authorised to admit him to bail, or commit him to prison according to the nature of the offence. In which last case, the warrant must clearly set forth the charge, and must have a lawful conclusion; that is, that the party shall be detained to answer the law, or till delivered by due course and process of law. The sworn Information before a sworn magistrate, is transmitted by him to the Clerk of the Crown to be put into the form of an indictment, which is laid before a Grand Jury of 23 equals of the accused, who find or, *ignore*, the bill. In the first case, he is put upon his trial, when, according to the sworn evidence before given, the witnesses confronted with the accused, twelve men on their oaths ascertain the fact, and the Judge upon his oath determines the law: should the party be acquitted he can never be troubled again for the same offence, he can plead his *autrefois acquit* from the records of the court; which will be a bar to further proceedings against him. Should he be convicted, he is committed by a warrant in execution issuing from the lawful authority, to hear and *determine* causes—stating the offence, and concluding, that the party be safely kept, till delivered by due coure of law. Should he be molested again on the same charge, he can plead his *autrefois convict*—which stops all further annoyance.

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* 2 Cobbett's Parl. Hist. 409.

In these wise and cautious proceedings, no one party can take any two successive steps: The Jury ascertains the Fact; the Judge applies the Law; the Sheriff executes the Sentence. Such is the guarded practice of the law. Yet notwithstanding, all these wise provisions and regulations, does the House of Commons, only one, and the lowest branch of the Legislature, take to itself the functions and powers of the whole Legislative, Executive, and Judicial. Skipping over all intermediate steps, over-leaping all the constitutional boundaries, they jump at once from accusation to punishment—the highest, short of death, that can be inflicted—Imprisonment; and illegal, because indefinite.

The Speaker of the House of Commons will, no doubt, be able to shew an example, which may be erroneously termed a Precedent, of a Warrant similar to that by which Mr. Jones has been committed to Newgate. He will, no doubt, be able to point out the time when such Warrants were issued; but it must be observed, that it is as strongly marked withthe stamp of illegality, as every other part of the proceeding: in fact, it wants every ingredient of a lawful Warrant: it neither issues from lawful authority, nor contains lawful cause, nor has a lawful conclusion. Of this, the case above quoted of the illegal Warrant, under the Great Seal, for the apprehension of the notorious felon; the act of the 2nd of Henry the 4th; 2nd Institute, 46; and 3rd Institute, 209, are in proof. Should any more be wanting, the 1st Roll. Rep. 337, may be added; which says, "If a Warrant of Committment be "for imprisoning a man till further order, *it hath been held ill;* for it should be "until the party be delivered by due "course of Law."

Having now stated the mode adopted by the House of Commons in asserting its right to avenge itself, for what it is pleased to call a breach of its Privileges, when the authorities which have been adduced are considered with that attention to which they are so eminently intitled, it cannot be thought presumptuous to say, That each and all of these proceedings are contrary to the Common Law, to Magna Charta, the Petition of Right, the Act of Habeas Corpus, the Bill of Rights, the basis of the Revolution, the compact between King and People; the Act of Settlement, the condition by which the King holds his crown; and the numerous Statutes which have provided for the Liberty of the subject:—That by so doing, instead of claiming modestly and necessarily, the *Privilege* of wearing a shield to protect themselves against the prerogative of the Crown, or any other annoyance, that may actually obstruct them in the discharge of their duty to and for the People, the House of Commons has assumed the *Power* of using a sword against the Liberties of that People; those Liberties which they are bound, in a peculiar manner, to maintain and defend:—That, by proceeding thus, they have exercised a jurisdiction not vested in them; a jurisdiction beyond the limits of King, Lords and Commons, whilst Magna Charta remains unrepealed; and repealed it can never be, till England shall have found her grave in the corruption of a House of Commons:—That, by this act, they confound the Legislative, Executive, and Judicial functions, which the Constitution has wisely ordained shall always be kept separate and distinct.

Being but one and the inferior branch of the Legislature, it has shot beyond its due limits; not a tendril only (an exuberance instantly to be lopped), but pushed forth its arms till they over-top the other trees of the forest; rendering all beneath its shade, and within the reach of its influence noxious and unwholesome.

They have done a Wrong without a Remedy; and have put a subject out of the Protection of the Law, by dooming him to indefinite imprisonment without bail, or mainprize—prevented from his Writ of Habeas Corpus, and debarred of all redress. —Thus subjecting the Liberties of the People to a capricious Vote and discretionary Resolution of the Lower House of Parliament.

Hitherto this question has been argued on its own merits, from the general principles of the Common Law, and positive provisions of the Statutes, all concurring on the same point, the assurance of the personal Liberty of the Subject, which is not to be restrained but by virtue of a warrant issuing from lawful authority, grounded on an information upon oath.

Of Lawful Warrants there are three sorts:

1st. A Warrant of Apprehension; in which must be recited the deposition upon oath, and which must conclude with an order to bring the offender before some magistrate, "To be further dealt with according to law."

2dly. A Warrant of Commitment; the offence not being bailable, which must set out particularly, the sworn deposition of the informant, and must conclude legally, with a mandate to the jailor to detain his prisoner, "to answer the law."

3dly. A Warrant in Execution after the party has been found guilty, by a Jury of his equals. Which must contain a copy of the record of conviction and of the Judgment; must set out precisely the Sentence to be executed according to Law, and conclude with an injunction to keep the convicted person in safe custody, till he shall be delivered by course of Law: that is, till the expiration of the definite Sentence.

It is now proposed to apply all the Arguments, Cases, and Authorities referred to in the progress of this enquiry, to the case of Mr. Jones individually, from an anxious wish to have the subject considered in every point of view. The practice of the Courts of Law authorised to take cognizance of offences and to inflict punishments, has been traced through every step; it now remains to contrast the legal practice with the proceedings of the House of Commons.

John Gale Jones having (according to the words of the Speaker's Warrant), written and caused to be printed, "A certain Paper containing libellous reflections on the character and conduct of the House of Commons, and of some of the members thereof," (viz. Mr. Yorke and Mr. Windham), the former gentleman, not being in the habit perhaps of reflecting, that the known laws of his country would give him ample redress if he had sustained any wrong, complained of what he fancifully called a Breach of Privilege, which he as whimsically grounded on the Bill of Rights. Whereupon, Mr. Gale Jones having been brought before the House and acknowledged himself the author, was *adjudged*, according to the Speaker's Warrant, (or rather prejudged) *guilty* of a gross libel, and sentenced to be imprisoned during pleasure.

Let us apply the Rules of the Law and Arguments of the Judges before stated, to the case of Mr. Jones.

1st. The proceedings are upon bare suggestion, contrary to Magna Charta.

2dly. Mr. Jones is called upon to criminate himself, contrary to common sense, and every principle of the law.

3dly. The House of Commons ascertain the fact without Evidence, being incapable of administering an oath.

4thly. They previously determine the guilt without appealing to any law.

5thly. They deliver Judgment without Trial.

6thly. They pass a Sentence of indefinite Imprisonment, contrary to law.

7thly. The Speaker issues a Warrant of Commitment illegal in the gross, and in all its ingredients—no lawful authority—no lawful cause—no lawful conclusion—and wanting that essential stamp of law, a Seal of office. That the public may exercise its its own judgment, however, the Warrant is here set forth.

"*Mercurii* 21° *die Februarii*, 1810.

"Whereas the House of Commons hath "this day *adjudged* that John Gale Jones, "having written and caused to be printed "a certain Paper containing *libellous* re-"flections, on the character and conduct "of the said House and of some of the "Members thereof, is thereby *guilty* of a "high breach of the Privileges of the "said House. And whereas, the said "House hath thereupon *ordered*, That the "said John Gale Jones be for his said of-"fence committed to his Majesty's Gaol "of Newgate: These are therefore to re-"quire you the Keeper of his Majesty's "Gaol of Newgate, to receive into your "custody, *during the pleasure* of the said "House, the body of the said John Gale

"Jones, and him safely to keep in your "custody; for which this shall be your sufficient Warrant.—Given under my Hand "this 21st day of February, 1810,

CHARLES ABBOT, Speaker."

"*To the Keeper of his Majesty's*
"*Gaol of Newgate.*"

Let this Instrument—this thing *sui generis*—be contrasted with the description above given of the properties of a lawful warrant. Does it not evidently appear, that this piece of unsealed paper signed by the Speaker, by which an untried subject has been outlawed, bears no feature of Legality? And that from the commencement of this proceeding—in its progress and to its conclusion—there is not one step that has not been marked in a peculiar manner with disrespect for the laws—a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive.

Let the case of Mr. Jones now be measured by the arguments of the Judges before cited: which Arguments were held by the House of Lords as conclusive against its pretensions.

The Judges claimed and insisted upon the benefit of the Common Law, Magna Charta, and Trial by Jury, *for any thing* in which they might have done wrong; not because they were Judges, but because they were commoners of England. They denied and rejected the jurisdiction of the Lords, and assigned their reasons: "Because, in that case, the fact would be "ascertained, and the law would be de-"termined by the same party, and that "if they should be punished by the Lords, "that would not prevent their being call-"ed to answer again in the Courts of "Westminister hall, where they could not "plead an *autrefois convict*, or *autrefois* "*acquit*: and so, they might be punished "twice for the same offence."

Let us apply this reasoning to the case before us: It hath been shewn, that the Common Law, Magna Charta, and Trial by Jury have been violated. We find Mr. Jones imprisoned for an act, the illegality of which has not been proved—the facts not ascertained—nor the law determined. Yet is he now undergoing such a Sentence as hath been shewn. And, as to the other part of the Argument of the Judges: what is to prevent Mr. Yorke from preferring a Bill of Indictment, according to law, against Mr. Jones for this same act: And if we can suppose, that any twelve *lawful* men in England could be had to find a verdict of Guilty, then would he be punished twice for the same offence? He could not prove his former conviction, because he could not produce the record of his former sentence; because, the House of Commons is no Court of Record, therefore incapable, by law, to furnish a copy of the record; because the law does not allow that House *to try and determine* any cause. To determine is beyond its limits, as hath been shewn: its incapacity is clearly proved by the legal circumscription of its powers.

We will next suppose that a Jury can find no injury to have been sustained by Mr. Yorke, and should return a verdict of Acquittal: then will Mr. Jones have been sentenced to undergo the most severe punishment short of death, that of indefinite imprisonment, by an Order of the House of Commons, for having done an act not proved to be a crime; on the contrary, which will have been determined by a Jury of his equals, not to have been an offence, as in the case of Reeves; with whom the minister dealt more tenderly by giving him, his creature, the benefit of the law; when a Jury contradicted by their legal verdict the predetermined Judgment of the House of Commons; but, if a Jury were to do the same in the present case, Mr. Jones could have no remedy for the wrong done to him—he cannot bring his action for false imprisonment against Mr. Yorke, nor against the House of Commons, nor the Serjeant at Arms, nor the Sheriffs, nor the Jailor: that is to say, if the Courts of Law should tell him, as they have told others heretofore, that they could not interfere with the House of Commons.

Anxious to have this Case thoroughly considered, and to leave no loop to hang a doubt on as to the true character of the Proceedings of the House of Commons, we will suppose it may be said, that Mr. Yorke took this method, by calling out Breach of Privilege, of punishing Mr. Jones, as the act was not properly cognizable by a Court of Law. To this is to be replied, in the first place, That if an act is not cognizable in a Court of Law, no offence has been committed: because an Englishman is at liberty to do every thing not forbidden by the law. But, a fact has occurred, that proves that Mr. Yorke, if aggrieved, had his remedy by due course and process of Law: as a legal Bill of Indictment has been preferred by another member of the House of Commons (lord Castlereagh) against Mr. Jones, as the auther of a placard of a similar nature (inviting discussion) and found by the Grand Jury. And, in the event of Mr. Jones's being convicted by law, there is nothing to prevent lord Castlereagh from complaining of a Breach of Privilege after Mr. Jones has undergone the limited sentence of the law, and getting him sentenced by the House of Commons to unlimited imprisonment for the same offence. Mr. Jones cannot plead his *autrefois convict,* though he may procure the record from the Court of Law where he was convicted. The House of Commons will not receive it; so that he may be punished, once by a Vote of the House of Commons contrary to law, and by Bill of Indictment according to law—and again,—by Bill of Indictment by the law, and by Vote of the House of Commons against all law, all for the same offence, for the legal and probable duration of the life of man.

The Speaker's Warrant (if it can be called by such a name) which has been set out at length, commits Mr. Jones, "during the pleasure of the House of Commons." It has been shewn, that a lawful warrant should issue from lawful authority—should assign lawful cause, and should have a lawful conclusion. A Speaker of the House of Commons is no Legal Magistrate—his Warrant assigns libel—is not libel bailable? But it may be pretended, that the Culprit has been tried and condemned—This is a Warrant in execution.—A Warrant in execution by a Speaker of the House of Commons on a sentence of imprisonment!!! for a month—or six months—or a year—or seven years—or for a day—or an hour!—Let not the people think that this statement is incorrect, because that the facts stated are nearly incredible. The House of Commons, that does not pretend to a right of committing any person for custody, even one hour—yet insist upon and exercise the power of passing a sentence of imprisonment, during the pleasure of the House! Not to be "delivered by due course of law," nor to "answer any law." For what law is he to answer? for what offence committed? Or, is the alledged offence of so heinous a nature as to preclude the supposed offender from bail? By what law can he be delivered? To what law can he appeal? What is the term of his confinement?

"During the *pleasure of the House of Commons.*"

Here is an Englishman outlawed; put out of the protection of the King's law by order of the House of Commons, who are peculiarly bound to protect and defend the Liberty of the Subject.—The House of Commons, which is no Court; which cannot fine; which the law forbids to pass any Judgment; which cannot administer an oath; which cannot take any one step according to law, for the best of all reasons, because the law recognizes no such Court, nor allows it any such power, as passing a definitive sentence.

But, it is truly admirable, how consistently the House of Commons has acted throughout the whole of this Case, always measuring its proceedings by the line of its own discretion, instead of the golden meteyard of the Law—a principle, which if once admitted—admitted!! if not reprobated, and resisted, the inevitable consequence will be, the total subversion of all Law and Order. For what makes the distinction between a state of Liberty and a state of Slavery, but being guided and protected by known laws common to all, or being subject to variable, arbitrary, and uncertain discretion. "*Misera servitus est, ubi jus est vagum, aut incognitum.*" Wretched is the slavery of him who lives under uncertain laws!

If the Judges of the Laws of England in the days of lord Holt, thought so justly, and acted so firmly and decidedly in their case, so have we witnessed in our time, how acutely a learned Judge of the Civil Law, sir William Scott, can feel, when even a presumed injurious suspicion is thrown out, though no punishment has been inflicted upon him without trial or a fair defence. And here it is impossible to avoid remarking, how tender-skinned some men are upon being touched themselves! how susceptible their feelings! how tremblingly alive to the slightest annoyance! The learned Civilian felt nothing for poor Jones, sent to jail without trial, without an opportunity of making his defence. His own words will best express his feelings on the occasion alluded to, which was on a charge brought forward in the House of Commons by lord Cochrane, my most worthy colleague, against the Court where the learned Civilian presides; when he said:

"That the accusation was brought forward against the Court where he presided, when there was no possibility of "a defence, and thus allowed to impend "for many months over the head of the "court, which could not demand its trial, "and of course could not ward off a most "painful and depreciating suspicion; this "was a mode of proceeding which could not "be sufficiently deprecated, nor too severely reproved. It was placing a man in the "situation of a supposed culprit, in whom "every guilt was likely to be presumed, "and from whose society every innocent "man was ready to fly, abandoned by "society, cut off, and in a manner ex-"communicated, he might in the end ap-"pear completely guiltless, and prove by "his acquittal, that his only misfortune "was not being allowed, in time, an op-"portunity of defence. Notwithstanding "the cruelty of this, many men were to "be found anxious to bring forward an "unfounded accusation, and the world, in "general, was but too prone to its recep-"tion. He deplored the custom, and "deprecated its continuance; and he did "so the more earnestly, feeling acutely "its injustice in his own case."—And, in these feelings the House of Commons sympathized.

He complains in the style of the Civil Law of being excommunicated. Mr. Jones remonstrates in the language of the Law of England against being outlawed, without having been found legally guilty of any crime.

The Roman Satirist, when lashing the vices of a corrupt country, particularly upbraids the absence of feeling, generally, exhibited for the sufferings of small men in humble stations. The poor man may lose his goods and all his effects. Should his house be burned to the ground, no one troubles himself about it. But, if misfortune touches the great, then, all partake of the general sorrow:

> "Magna Arturii cecidit domus, &c.
> "Tunc gemimus casus urbis; tunc odimus ignem."

Poor Codrus excites no sympathy:

> "But if the palace of Arturius burn,
> The nobles change their clothes, the matrons mourn;
> The City Prætor will no pleadings hear;
> The very name of fire, we hate and fear;
> And look aghast, as if the Gauls were here."

From the conviction on my mind of the justness of the sentiments here expressed by the learned Judge; and from as well weighed and fully digested an opinion as my researches enabled me to make, and my reason instructed me to form, I proposed in the House of Commons: "That "Mr. Gale Jones should be then dis-"charged."

In opposition to these arguments, it was, in the first place, relied on, That this power of Commitment had been exercised for three hundred years. In support of which assertion, only two instances were adduced. One of Ferrars, a member and servant to the king, before cited; and one Mornington, who beat Mr. Johnson a member, and pleaded ignorance of his being a member of the House of Commons*. But of what importance are these two Cases? For their own acts, were they ever so numerous, can never be admitted as Precedents to establish their own claims. Sir Thomas Bromley, Chancellor in the reign of Elizabeth, denied that their own acts could be cited as Precedents, when they were insisted on by a Committee of the House as proofs in support of their claim to a privilege of not being liable to be subpœnæd in Chancery. Sir Thomas Bromley said, that unless those precedents had been confirmed by the the Court of Chancery, they were of no avail†; and all Lawyers know that a legal precedent is established by a decision of all the Judges, on an Argument at Bar. Nothing can be more mischievous or more calculated to mislead, than to use legal terms in a popular sense; and though the word Precedent in popular language means any thing that went before; yet, in a strict legal sense it means a Decision upon Argument, one of which is worth a thousand without.

From Custom or Usage such a claim never can be set up; for a custom to obtain must be reasonable in itself; must have been used from time immemorial; must be *pro bono publico*—not contrary to law, and never contested.

From Common Law it cannot be derived; because at common law, a man could not be imprisoned in any case, unless for force or violence—for which his body was subject to imprisonment, as one of the highest executions of the law. And, that it is forbidden by all the Statutes, it is to be hoped has been sufficiently proved. Therefore, unless it can be shewn, that an Order of the House of Commons can contravene all these authorities, there can be no pretence on which this usurpation can be maintained. And to talk of the Law of Parliament as contra-distinguished from and contradictory to the Acts of Parliament!—It is a phantom fitter to be entertained by the fancy of a Bedlamite than by a Lawgiver.

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* 1 Hatsell, 53, 74.

† Ibid. 96.

Notwithstanding the care that has been taken in the progress of this enquiry to keep legal words from being used in a popular sense, and to prevent a confusion of ideas arising therefrom, it will be necessary in this case to adopt the mode which has been invariably pursued, and to define correctly the legal meaning of the term about to be discussed. For, by not attending sufficiently to this distinction, much embarrassment was created during the former discussion of this subject in the House of Commons: few persons having been able to keep sufficiently separate, things, in their nature so essentially different, as the power of Commitment for a legal Contempt, (or abatement of a nuisance), and the passing of a sentence of Imprisonment as a punishment for an offence.

Every one knows that in a popular phrase a man is said to shew contempt for another if he turn upon his heel and do not answer a salute: but, in a legal sense Contempt has one meaning, and one only —that is, obstruction to the proceedings of a Court, which every Court is necessarily competent to remove. "Contempt is a disobedience to the rules and orders of a Court. One may be punished for a contempt in Court, but not out of Court, or a private abuse*." Whether the Case of the incorporation of St. Albans, which has been accurately stated, and the Arguments of the Judges in Bridgeman *versus* Holt, are or are not applicable to the case before us, must be left to the candid consideration of the Reader.—It is necessary to observe, that I lay no stress upon the *authority* of the Judges merely as such, recollecting full well the many opinions of Judges contrary to the Law of the Land and subversive of the Liberty of the Subject. In the case of Ship Money, the Judges determined, that the King had a right to levy taxes without consent of the Representatives of the People. In the famous Case of Habeas Corpus, in the King's Bench, afterwards reversed, the Judges determined, that when the King committed, the Subject could have no relief. When Charles the First imprisoned Members of Parliament for their parliamentary conduct, the Judges determined, that the Act of the fourth of Henry the Eighth was a private Act, though made expressly to prevent members from being questioned, in consequence of Mr. Stroud having been questioned in the Court of Stanaries, and fined and imprisoned by that Court, on account of a bill he had introduced into the House of Commons for regulating the Tinners in Cornwall. Therefore, it is not upon the authority, but upon the weight of the arguments above cited, and honest arguments they were, of unfeed Counsel in their own cause, that we rely.

As for Modern Decisions of such men as De Gray, Mansfield, or Kenyon, they will hardly be worth quoting on either side of the question; and, for an illustration of the conduct of the last mentioned Judge upon this great constitutional question, I beg leave to refer the Reader to the Case of Benjamin Flower, and to the able Argument of Mr. Clifford in that case; to which Argument I embrace this opportunity of acknowledging myself greatly indebted; and so, in my opinion, are the public at large.

In pursuing this Argument, the Reader should carefully keep in mind the marked distinction there is between Privilege and Power. No Privilege of the House of Commons is here denied. But, it may be asked, Upon what ground or pretence they assume a Power to punish? Since they have taken upon themselves to exercise this Power, it is fair to call upon them to shew how they came by it, and when they first claimed it*.

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* See Crook, Eliz. 649.

* Sir Robert Walpole seems to have entertained the same sentiments, as appears from his Speech in the House of Commons, in the Case of Sir Richard Steele, in 1714: "Why," said he, "should the author be answerable in parliament for the things which he wrote "in his private capacity? And if he is "punishable by law, why is he not left "to the law? By this mode of proceeding "parliament, which used to be the scourge "only of evil ministers, is made by ministers the scourge of the subject. In "former reigns, the audacity of corruption extended itself only to judges and "juries: the attempt so to degrade parliament was, till the present period, unheard of. The Liberty of the Press is "unrestrained; how then shall a part of "the legislature dare to punish that as a

The commencement of this Usurpation was when they got rid of the Upper House of Parliament, and cut off the head of the King. They still, it seems, are emboldened to retain an illegal power not pretended to even by the King. But which these local sovereigns over the King, claim as of right. But no wonder, when they have so entirely departed from the ends of their institution—as was offered to be proved by Mr. Madocks, and acknowledged by themselves, in the never-to-be-forgotten morning of the 11th of May, one thousand eight hundred and nine; when, from being the Lower or Inferior (for it is the same sense, one being an English, the other a Latin word), Branch of the Legislature, they have become the proprietors, by burgage tenure, of the whole Representation; and, in that capacity, inflated with their high blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think Privilege and Protection beneath their dignity, assume the Sword of Prerogative, and lord it equally over the King and the People[*].

But, in order that nothing may be wanting, to render truly ludicrous every part of this proceeding, which, inverting the laws of the drama, as well as all other laws, begins with a farce and ends with a Tragedy, the House of Commons imprison Mr. Jones—under the sanction of what law think ye?—The Bill of Rights!!!—Well might Paine call it the Bill of Wrongs; if it could be thus converted into an instrument to oppress and to destroy the Liberties of the People, those Liberties which it was expressly framed, claimed, demanded and insisted upon to protect.

Mr. Yorke has discovered a new meaning in the Bill of Rights; and, because the Bill of Rights declares, That a member of parliament cannot be questioned any where out of parliament for words spoken therein, he has sapiently concluded, That the People are prohibited from exercising their understanding, for the purpose of discussing or censuring the conduct of the Gentlemen who sit in that House. These Gentlemen all concurred with him in the Sentence passed on Mr. Jones; though no one agreed with him in his new interpretation of the word "Question," in the Bill of Rights—knowing, as they did, that "questioned," legally, means accused before a tribunal competent to punish; and that the power intended to be counteracted was the King's Prerogative and the arbitrary proceedings of the Court of Star Chamber, which were in the constant habit of questioning and punishing Members, for their conduct in the House, as in the Case of Mr. Strode before mentioned, and of Strickland, Sir John Eliot, Col. Churchill, Holles, Valentine, and many others. And, surely, that cannot be deemed a Privilege of Parliament which is incompatible with the Rights of the People: as the Lords resolved in the Case of Ashby and White: "That declaring Ashby guilty of a Breach of Privilege of the House of Commons is an unprecedented attempt upon the jurisdiction of parliament; and is, in effect, to subject the law of England to the Votes of the House of Commons[*]"—And how much more so is this act of imprisoning Mr. Jones!

But the House, it seems, thinks that its *dignity* is concerned in continuing Mr. Jones in prison. That dignity should consist in punishing is a novel idea. The dignity of any man or body of men is best maintained by their doing their duty, according to their several stations. If dignity consisted in punishing, then would

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"crime which is not declared to be so by "any law, framed by the whole! And "why should that House be made the instrument of such a detestable purpose." See Coxe's Walpole, vol. 1, p. 73. See also 6 Cobbett's Parl. Hist. 1269.

[*] Upon this memorable Debate, Mr. Ponsonby, Lord Chancellor of Ireland, under the Whig Aministration, observed, "That he could not consent to proceed "against individuals, because that had "been proved to exist, which had long "been as notorious as the Sun at noon-"day; namely, the Sale of Seats in that "House." See Cobbett's Debates, vol. xiv. p. 519.

And in a Committee of the whole House, on the 1st of June last, upon Mr. Curwen's Reform Bill, the Speaker made use of these expressions: "The question now "before us, is no less than this: Whether "the Seats in this House shall be hence-"forth publicly saleable?—A proposition, "at the sound of which, our ancestors "would have startled with indignation; "but a practice, which, in these days, and "within these walls, in utter oblivion of "every former maxim and feeling of Par-"liament, has been avowed and justified." See p. 837 of the same Volume.

[*] 6 Cobbett's Parl. Hist. 431.

Jack Ketch be the most dignified man in the land *. But the Commons do not sit in that house for their dignity, but as Servants of the People; not to exercise Prerogative and Power over them, but to inspect and controul the Public Accounts, to protect Liberty and Property; to complain of exorbitances of Power in any quarter; and to maintain the Laws of the Land. They are the last persons who ought to set an example of encroachment. If they become destroyers of the Liberties of the People, in them, oppression is combined with treachery; they destroy where they are bound to protect. Every reason is as strong against such an act, from them towards the People, as it was against Macbeth in the murder of Duncan.

> " He is here in double trust,
> " First as I am his subject and his kinsman—
> " Both strong against the deed—then as his host
> " Who should against his murderer shut the door,
> " Not bear the knife myself."

Having now arrived at a conclusion of the Argument upon this most interesting and important case, one cannot, in taking leave of the subject; in reviewing the whole of the proceeding complained of; in beholding an assembly whose sole business it is to make laws, and to watch over the due execution of the laws already made; one cannot, with such impressions in one's mind, help entertaining a fear, that the Gentlemen of the House of Commons, may in time, unless they revert to the Great Principles of the Constitution, be in danger of incurring the sentence of St. Paul upon the insolent and tyrannical High Priest, Ananias, who had commanded him to be stricken for opening his mouth in his own defence :—" God shall " smite thee, thou whited wall: For sit- " test thou to judge me after the Law, and " commandest me to be smitten contrary " to the Law ?"

The *Speaker*.—" Sir Francis Burdett."

Lord *Folkestone* rose to order. The honourable member had complained to the House of a gross breach of its privilege, and, in support of this charge, had caused a publication to be read, which occupied more than an hour and a half of their time. He now thought it but fair, that, out of this mass, the hon. gent. should point out how, and in what manner, the hon. bart. had offended, and what was the course he intended to pursue. It must appear to every one, to be quite impossible for the hon. bart. to be expected to get up and answer a charge founded upon the whole of this publication, in his own defence.

Mr. *Lethbridge* replied, that he could have no objection whatever to point out the passages which struck him as offending against the character and privileges of the House. As he had before stated, he had marked these passages in the paper given in, both in order to save the time of the House and to shew precisely on what particular parts his complaint was founded. He did not think it becoming in him to call on the House to have all this long paper read; but when it appeared the wish of the House that it should be so read, if he had objected, he would, with much justice, have been accused of calling on them to decide upon garbled extracts. He was now ready to adopt any suggestion of the House. He declared, in his place, that he had no personal hostility to the hon. baronet. In bringing forward this motion, he was actuated by much higher motives. As an Englishman, in defence of their glorious privileges—as the representative of as independent and free a body as any in old England, he was induced to undertake to bring forward this affair.—He would now proceed to point out the particular passages which appeared, in his mind, to bear him out in his charge. The first passage that struck him in this light, was the very first in the preamble of the address, containing the following extraordinary language, " The House of Commons having passed a vote, which amounts to a declaration that an order of theirs is to be of more importance than Magna Charta and the laws of the land, I think it my duty to lay my sentiments thereon before my constituents, whose character as freemen, and even whose personal safety, depend, in a great degree, upon the decision of this question; a question of no less importance than this; whether our liberty be still to be secured by the laws of our forefathers, or be to lay at the absolute mercy of a part of our fellow-subjects, collected together by means which it is not necessary for me to describe."

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* Lord Clarendon observes, " That the damage and mischief cannot be expressed, that the Crown and State sustained by the deserved reproach and infamy that attended the Judges by being made use of in this and like acts of power, there being no possibility to preserve the dignity, reverence, and estimation of the laws themselves, but by the integrity and innocency of the judges."

He appealed to the House if this alone was not sufficient? if it was not, he was sorry for it, but it certainly struck him in that point of view.

The second passage was in the same letter, where he spoke of the power of committing, exercised by the House, in this way:—

"If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York jail, as well as to a jail in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but what is there to restrain them; if they are to be the sole judges of the extent of their own powers, and if they are to exercise those powers without any controul, and without leaving the parties, whom they choose to punish, any mode of appeal, any means of redress?"

The third passage was the concluding part of the Letter.

"The Argument, by which I endeavoured to convince the gentlemen of the House of Commons, that their acts, in the case of Mr. Jones, were illegal, I shall now lay before you, in a more full and connected way than it could possibly be done by the Parliamentary reporters; and, in doing this, I shall do all that now remains in my power towards the correction of this, as I deem it, most enormous abuse of power, and most dangerous of all encroachments upon the rights and liberties of Englishmen."

The other passages which he had marked, were contained in what was called the Argument. The first of these was as follows:—

"Had I not been prevented by indisposition from being present when the House of Commons passed by vote a sentence of imprisonment on Mr. Gale Jones, I should have endeavoured to shew, that, under all the false notion of privilege, they are exercising a power, and committing an act of oppression, ill suited to the character of guardians of public liberty, and destructive of the first and most important object of the constitution, viz. the personal security of the subject."

The next passage, following the mention of numerous authorities against the act of the House in committing Gale Jones, proceeded thus:—

"Founded on such a basis, petrified by such authorities as I shall have occasion to appeal to in the progress of this inquiry, I have little doubt of being able to convince every impartial mind, that the House of Commons, by proceeding to judgment, passing sentence of imprisonment, and issuing a warrant of commitment, has gone beyond its prescribed limits, acted in a manner inconsistent with the ends of its institution, and violated the fundamental principles of the law and constitution of the land, and this I shall prove by the application of the standard of the law to the proceedings of that House."

The hon. member then read the following passage:—

"By proceeding thus, they may have exercised a jurisdiction not vested in them, a jurisdiction beyond the limits of King, Lords and Commons, while Magna Charta remains unrepealed; and repealed it never can be till England shall have found her grave in the corruption of a House of Commons."—(Loud cries of hear! from the Opposition.)

The next obnoxious passage was that adverting to the Speaker's warrant issued to the keeper of his Majesty's jail of Newgate, and was to this effect:—

"Let this instrument, this thing, *sui generis,* be contrasted with the description of the properties of a legal warrant. Does it not evidently appear that this piece of unsealed paper, signed by the Speaker, by which an untried subject has been outlawed, bears no feature of legality? and that, from the commencement of this proceeding, in its progress, and to its conclusion, there is not one step that has not been marked in a peculiar manner with disrespect for the laws? a disrespect in which all the parts have been wonderfully consistent throughout in constituting the most unlawful act the mind of man can possibly conceive."

The hon. gent. now called the attention of the House to a passage, which he thought would of itself substantiate all complaint: it was this:

"But no wonder when they have so entirely departed from the ends of their institution, as was offered to be proved by Mr. Madocks, and acknowledged by themselves in the never to be forgotten morning of the 11th of May, 1809, when from being the lower or inferior (for it is the same sense, one being an English, the other a Latin word) branch of the Legislature, they have become the proprietors by burgage tenure of the whole representation, and in that capacity, inflated with their high-flown fanciful ideas of Majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the King and the people."

These were the specific passages on which the complaint was founded: on these he stood calling upon that hon. House to vindicate itself from a series of unjust and unjustifiable aspersions, and punish the violation of their privileges in what manner might, to their wisdom, appear most fitting.

The *Speaker* stated, that according to the uniform practice of parliament, it was now the time for the member charged to be heard in any thing he had to say in answer to the charge preferred against him.

Sir *Francis Burdett*, in a low tone of voice, said that the hon. member was bound explicitly to point out the nature of the charge. There was to his mind no ground of charge in the extracts which had been read from his Address to his Constituents. The hon. member had thought proper to call the attention of the House to certain passages in that Address upon which he founded his charge, but had not condescended to state what privilege of that House they violated, or how they violated any privilege of parliament. That Address contained all of argument that he knew on the subject, and he could now add nothing to those arguments. The Address was his. The Argument which it contained was his; he was ready to see them subjected to the most rigorous inquiry; but till he should hear from the hon. member something in refutation of his principles, he could not look upon himself as called upon to undertake their defence. He had no hesitation to state that in writing that Address and Argument he had no idea that he was infringing any privilege of that House. Was it to be supposed that the simple act of arguing on the powers of the Commons was a crime? Would not the House endure even an abstract doubt of their powers? This doubt was the entire of the charge hitherto adduced; if a stronger one lay behind, it must be brought forward before he could be expected to meet it by an answer. He was willing to abide by the fact and argument of that paper; he would stand the issue, but if it were the pleasure of the House that he should now withdraw, he was ready to withdraw." (Cries of No, No, from the House.)

The *Speaker* again stated the usage of parliament. A charge being made against a member, he might meet it as he pleased. He might deny, admit, justify, or excuse is. This was the uniform practice; and it was equally the uniform practice for the member thereafter to withdraw. Following preceding cases, it would then be for the hon. gent., bringing forward the charge, to offer a proposition declaratory of his opinion of the subject-matter, which it was for the House to deal with, as their judgment directed; either to adopt, amend, or negative it. If the House, therefore, would not, in the present instance, choose to depart from the unchanged, and what he hoped would be their unchangeable practice, they would order the hon. baronet to withdraw.

Sir Francis Burdett accordingly withdrew.

Mr. *Wilson* rose to offer a few observations on the point of order, when he was stopped by

The *Speaker*, who informed the hon. member that there was no question before the House.

Lord *Ossulston* objected to the course pursued, and said, in point of fact there was no complaint made against the hon. baronet (Loud cries of Chair! Chair!)

The *Speaker*, to set the noble lord right, had to inform him, that what had yet been done, was conformably to the established rules and unbroken practice of parliament.

Mr. *Lethbridge* then rose to submit the Resolutions which he meant to found upon the document which he had given in, and which had been read at the table. In stating the grounds upon which he felt it his duty to bring this subject under the consideration of the House, it was his intention not to trespass at any length upon its time or attention.

Lord *Folkestone*, on this, called the hon. gent. to order. If the hon. member was to make a speech at all, he should have made it before his hon. friend had withdrawn. When the hon. member had called the attention of the House to certain passages, in the publication then before the House, which he charged as objectionable, he should at that time have shewn how these passages were in breach of the privileges of that House. It was such an explanation on the part of that hon. gentleman, which he had in a former instance called for, as it was his decided opinion, that any speech he had to make ought to have been spoken before the hon. baronet had withdrawn. Undoubtedly the hon. member was not called upon to bring forward his Resolutions in the same way. He was himself fully aware, that the practice of that House required the hon. baronet to withdraw before any specific motion, founded on the grounds of charge, should be submitted to the House. But he begged gentlemen to consider the embarrassing situation in which his hon. friend was placed, by having withdrawn before he had an opportunity of hearing the statement of the hon. gent. as to the manner in which the passages specified were considered by the hon. member as violations of the privileges of that House.

The *Speaker* looked upon the course proposed by the hon. mover to be perfectly consistent with the uniform and established practice of that House. The hon. member was then about to submit the proposition which he had felt it necessary to bring forward respecting the parts of the production which made the foundation of his complaint to the House. He apprehended, therefore, that it was perfectly competent to that hon. member to proceed now to state the reasons upon which he grounded the motion he was about to submit, and which he conceived sufficient to justify him in bringing the complaint under the consideration of the House. Unless he had inadvertently omitted some step in the progress of the proceeding, it was his opinion that the course proposed to be pursued was strictly in order.

The *Chancellor of the Exchequer* coincided in the doctrine so clearly laid down from the chair. The individual who thought it his duty to bring forward a charge, was bound to make a complaint in the first instance to the House, and then to lay the particular grounds of his charge upon the table, in a specific shape. In the case under consideration, the whole of the document upon which the charge was founded had been read by the clerk at the table; and the hon. member bringing forward the charge, had besides even pointed out, and read in his place, the particular passages which he conceived to amount to a violation of the privileges of that House. The hon. baronet had therefore had an opportunity to prove, if he could, that the passages so specified did not violate the privileges of that House; he had the opportunity to shew how far they contained the sentiments of a person who entertained a respect for the character, the dignity, the privileges of that House; how far they were innocent in themselves, or justifiable upon any grounds. The hon. gent., therefore, who brought forward this question, was very properly, when interrupted by the noble lord, proceeding to state the grounds upon which he considered the passages he had pointed out, as violations of the privileges of that House. Upon the principle of reasoning adopted by the noble lord, the hon. baronet should not only be permitted to hear the grounds upon which the hon. mover brought forward his Resolutions, but all the arguments which should be made use of in the whole course of the discussion. Upon the reason of the thing, he would admit, that an individual under an accusation ought to be allowed to hear all that might be urged in support of the charge against him. But upon very good and sufficient reasons, that House had thought proper to adopt a different course in its proceedings, and to act uniformly upon the principle which dictated it. If the hon. baronet were therefore to be allowed to hear the speech of the hon. gent. he would have an equal right to hear the whole discussion; and as both were inconsistent with the uniform practice of that House, he was determined to support the course that had been pointed out by the Chair.

Lord *Folkestone* offered himself unwillingly to the House, particularly as he differed from the opinion of the Chair as to the propriety of the course proposed to be pursued. But whatever reluctance he might feel on the occasion he was in duty bound to state the conscientious impressions which existed on his mind. There were but one or two precedents of cases, similar to that under consideration, that he could call to mind, as having occurred since he had the honour of a seat in that House, both of which were in strict conformity with the course he pointed out in the present instance. One of these precedents was the case of the right hon. gent. himself (the Chancellor of the Exchequer) last year. In that case, an hon. member (Mr. Madocks) whom he was happy to see in his place and who would correct him if he should make any mistake, or inadvertent misrepresentation, had submitted a brief complaint to the House. Exception was taken to the proposition for proceeding with the charge at that time, and consequently some days delay took place, after which the hon. member brought forward his charge again, which he prefaced with an argument of considerable length, shewing the grounds upon which he founded his accusation. The right hon. gent. was then heard at length in his defence, as also a noble lord (Castlereagh) who was implicated with him in the transaction which gave rise to the charge (respecting the seat of Mr. Dick, then recently vacated). Both the hon. members had had the advantage of hearing the speech of his hon. friend, and after they had made their defence and withdrawn, all that remained for his hon. friend to do was to submit his motion to the House. The other was, that of the lord advocate of Scotland some years since, when an hon. friend of his Mr. Whitbread explained the ground of his accusation in a long speech, reserving his motion only till that noble lord had made a long speech in his own justification, and withdrawn. The same course, according to all the information which he had been able to collect, ought to be pursued in the present case; and it was upon the thorough conviction of the propriety of that course, according to the reason of the thing, that he had ventured to suggest it. The right hon. gent. seemed to have greatly misunderstood the views he had upon this question. An hon. member had produced a pamphlet, the work of another hon. member, and read some passages from that pamphlet, which he made the ground of a charge of breach of the privileges of that House against the author. How such passages were a violation of the privileges of that House had not been shewn; and unless that could be shewn, and if the writer remained still of the same opinion as when he wrote the pamphlet, he contended that his hon. friend could not know on what ground he was charged, or in what manner to defend himself, particularly as he had stated that, in writing it, he did not conceive that he was infringing any privilege of that House. If the hon. baronet had changed his opinion, he might undoubtedly retract, or qualify, or even excuse his conduct; but without knowing in what way his sentiments, as expressed in his work, were considered a violation of the privileges of that House, it was actually impossible for him to know what defence to make. He could not suppose it to be the object of the right hon. gent. to entrap the hon. baronet into the embarrassment in which the proceeding proposed must unquestionably involve him. It was a fallacious argument of the right hon. gent. to say, that if the hon. baronet was to hear the speech of the hon. gent., he would equally be entitled to hear the whole discussion. When an hon. member called the attention of the House to a grave and serious matter of charge, it was but fair that the accused member should have an opportunity to hear the grounds upon which the charge was brought forward; and after defending himself in his place, he might then very properly be required to withdraw without hearing any part of the subsequent discussion. The reason of the case, therefore, bore him out in the course he recommended; and he must contend that the honourable baronet was intitled to the fair advantage of hearing the grounds upon which the honourable member had made the complaint and charge against him.

The *Speaker* felt himself bound in duty to the House to bring to the recollection of gentlemen, that in cases of complaints against members, there were two sorts of proceedings resorted to by the House, which might perhaps account for the difference of opinion on this question. One of these proceedings was, when a complaint was founded upon a written paper, or other document. When that was the case, the paper on which the complaint was founded was given in at the table, after which the member, the object of the charge, was heard in his defence from his place, and then required to withdraw. The House, upon that, uniformly proceeded to discuss the merits of the charge, and after mature deliberation and according to the particular merits of the case came to a final decision upon it. The other course was that which was followed when a member could have no notice of the charge against him; in which case the member bringing forward the charge was bound to clear the grounds of his motion, and state the nature of the charge. To this description of cases he conceived the case of the Lord Advocate of Scotland, already alluded to by the noble lord, to belong. In that instance the charge was founded on a letter which had been written by that noble lord, in his official character, to an individual in Scotland. The grounds of the charge were fully stated, and that noble lord was heard at length in his defence. The House would recollect the comments, which, after that noble lord had withdrawn, had been made on the species of defence to which he had resorted. The noble lord, in that defence, which appered to many hon. members full and satisfactory, had made some allusions to the peculiar laws and institutions of Scotland; and it must be fresh in the recollection of several gentlemen, how these allusions had been commented upon, and the comments made to bear upon the question under discussion. He took it to be the right of a member under accusation, to have due notice of the charge against him, but not of the arguments in support of it. If an hon. member was entitled to hear all the arguments in support of the charge before he should withdraw, then he should not withdraw till the House should have passed its vote upon the subject, a doctrine which could not for a moment be entertained. The course of proceedings laid down in the Text Books, directed that in case of a charge founded on a written document, that document should be given in, and that the member under accusation, after being heard in his defence, should then be required to withdraw. But in cases where the complaint should not be founded on any written document, the accused party had a right to hear the grounds of the charge stated before he should be put upon his defence previous to his withdrawing. He had felt it to be his duty to put the House in possession of these circumstances, as to the uniform and established course of proceeding in all matters of complaints against individual members.

Mr. *Lethbridge* then rose to state the grounds of his charge, and declared that in doing so he should be very short. Many reasons, he observed, induced him to be brief on this occasion. The principal one was, the little habit he was in of addressing that House. The task he had undertaken was painful and difficult, but however painful or difficult it was, he felt himself called upon to bring forward the question. The letter of the document was, however, so clear, the real question lay within such a small compass, that it would require but little abilities to put it in a form for the decision of the House. Really, from what had fallen from the noble lord opposite, one would have supposed, that he (Mr. Lethbridge) had written a long speech on the subject, the copy of which he had dropped from his pocket, and was found by the noble lord, who thought to embarrass him by calling for a speech no longer in his power to make. He had, however, no object but to state briefly the two resolutions which he meant to propose. These, he trusted, would be adopted by the House. They must, if that House wished to save its own character, and that of old England. He spoke from the bottom of his heart. He wished the hon. baronet to hear him (a laugh, and hear! hear!). He should repeat his wish that the hon. baronet had not been precluded by the forms of the House from hearing what he had to say. He felt no hostility to that hon. baronet; he had much higher motives for his conduct on this occasion. He was convinced that if the House had any regard for its character, it would put a stop to such proceedings as they had witnessed of late. He had heard things stated in that House, which had made the hair on his head stand on end. (a laugh.) He could assure the House that the feelings of horror with which he heard it stated, that, "in the opinion of the public the reputation of that House had not a leg to stand upon," had produced that effect upon him. He trusted that such proceedings would be effectually put a stop to, and with that view he should propose the following resolutions for the adoption of the House. 1st. "Resolved that "the Letter signed Francis Burdett, and the "further Argument, which was published "in the paper called Cobbett's Weekly Register, on the 24th of this instant, is a libellous and scandalous paper, reflecting "upon the just rights and privileges of this "House.—2d. Resolved, That sir Francis "Burdett, who suffered the above articles "to be printed with his name, and by his "authority, has been guilty of a violation "of the privileges of this House."

Mr. *Blachford*, in rising to second the motion, said that it would not be necessary for him to use many words. He begged to call the attention of the House to the case of Mr. Hall, in the year 1558. In that case, the House had voted a publication to which its attention had been called not only slanderous to the character, but derogatory from the dignity and honour of that House. Mr. Hall was afterwards, on being found to have been the author of the paper, appointed a day to be heard in his defence in the Committee of Privileges, after which he was sequestered, and the House proceeded to a discussion as to his punishment, which was voted unanimously. He was satisfied that there were many other precedents which could be produced, but he had referred to the earliest he could find, to shew that the House had been at all times justly and greatly jealous of such violations of its privileges; and he trusted that it would not be less so in the year 1810 than it had been in the year 1558. If the House should not vote this production a slanderous and libellous paper, derogatory from the character and honour of the House, it would not shew a proper regard to its own dignity. He should have thought that no doubt could exist that the motion of his hon. friend would have been agreed to, if it had not been for the significant cheers from the gentlemen opposite. Before, however, they should come to a decision on this question, they were bound to consider well the nature of the paper under consideration, the subject to which it referred, and the circumstances under which it had been produced. They were bound to weigh well the consequences of not adopting the motion of his hon. friend. How could they hesitate, when they recollected the spirit and the advocates of jacobinism which existed in the country; whose numbers, whether in leaders or disciples, were but few, but whose object it was to dispute and bring into discredit the authority of that House? If this spirit should not be checked in time, it would not only take away the dignity, the character, and the authority of that House, but destroy the very existence of it as a branch of the legislature.

Mr. *Ponsonby* observed, that neither the hon. mover, nor the seconder of the resolutions, had a deeper respect, or a warmer attachment to the privileges of the House of Commons than he, humble as he was, entertained. All his conduct, since he had been a member of that House, had shewn, that he had never offered the slightest disrespect to the character, nor in the smallest degree interfered with the privileges of that House. But the motion before the House appeared to be one which required the gravest deliberation, in order that they should come to a solemn, just, and useful decision. The paper read by the clerk was a long one, and though the hon. gent. had pointed out some particular passages as the grounds of his complaint, still it would be difficult, in case of so long a paper, to decide whether the particular passages would support the charge, without the opportunity of considering all the parts of it. How much more difficult then would it be in case of a paper, professing to be a legal argument, founded on the known laws of the land! He trusted that he should not be thought indifferent to the privileges of that House, if he moved an adjournment of the discussion upon this motion. All the members of that House had devoted their minds to the consideration of the question respecting the Expedition to Walcheren, the discussion of which was still pending. No hon. gent. with the exception perhaps of the hon. mover and seconder, had given such attention to the question immediately before the House, as to be able to lay his hand upon his heart, and say that he was prepared to give a fair and dispassionate vote upon it. Whatever might be the ultimate decision of the House, it would have more weight with the public and be entitled to greater respect from every quarter, the more consideration should be given to the question. Upon these grounds he should move, That the discussion be adjourned to this day se'nnight.

The *Chancellor of the Exchequer* did not mean to oppose the adjournment of the question, but expressed a wish that the right hon. gent. should not persist in moving for so long an adjournment. He should think that the House would proceed with the discussion on the earliest day, that it could be able to become acquainted with the nature of the charges sufficiently to come to a just decision. This was due as well to the intrinsic importance of the question itself as to the feelings of the individual concerned. The House would recollect, that the hon. baronet had been ordered to withdraw, and for himself he did not know what effect, that might have with respect to the propriety of the hon. baronet's being present at the discussion of questions which might intervene, before the decision on the present question. He was not aware of the practice of the House on such occasions, and threw the observation out with a view to getting information. If the individual could return to his place during the adjournment of this discussion, it might be a question, whether it would be right that a person under a charge for a breach of the privileges of that House should continue to enjoy these privileges, and exercise the rights belonging to its members. Upon that point he should be glad to receive information. But, at all events, he should think it would be desirable not to adjourn the discussion over to-morrow or Thursday at farthest. The House must be aware that this was a question respecting its own privileges, and that such questions always took precedence of any other subject. He suggested, therefore, to the right hon. gent. the propriety of limiting his motion for the adjournment to to-morrow, in order that whatever might be the decision of the House, it should be come to as soon as possible. If the right hon. gent. should not amend his motion, as he suggested, by substituting to morrow for this day se'nnight, he should move an amendment to that effect. Some delay he thought necessary because of the length of the paper; but every hon. gent. must know, that they could have sufficient opportunity to make themselves acquainted with the contents of the paper, so as to be prepared for the discussion before they should meet to morrow. The right hon. gent. concluded by moving as an amendment, That the debate be adjourned to tomorrow.

Mr. *Whitbread* contended that his right hon friend, in moving the question of adjournment, had no object in view but to enable the House to come to a fair and just decision, when they should be in full possession of the whole contents of the paper. Considering the length of the paper that had been read, and the importance which might attach to the comparison of the different passages, in order to judge fairly of the whole, he thought a longer adjournment than that proposed by the last speaker absolutely necessary. The right hon. the Chancellor of the Exchequer must be aware that there was at this moment a most important discussion pending, on a subject relating personally to himself, but highly interesting to the public. It was not his intention to impute to the right hon. gent. any design to bring in any other question to interfere with the progress of that in which he was so deeply concerned. He could not suppose it was that right hon. gentleman's wish to give precedence to another question with any view to distract the attention of that House, and the feelings of the public from a subject which had occupied so much of both. Many hon. members were anxious to deliver their sentiments on that subject; and his right hon. friend was even in possession of the House for the purpose of stating his opinion upon it. When they considered that the present debate, produced no doubt by accident alone, had been protracted to so late an hour, as well as the short period that must naturally intervene between the termination of the debate of this night, and the time of their meeting to-morrow, gentlemen would be convinced of the impossibility that members could come down to-morrow properly prepared for the discussion of this question; so important not alone to the hon. baronet, but to the interests of the House. For himself, he could say, that he was not prepared at present to go into that discussion, neither could he be prepared by to-morrow. All that was asked for was, that they might go into the discussion on the earliest day after they should be prepared to resume it with effect. That could not be the case to-morrow. The debate on the Expedition could not be expected to terminate that night; or, if it should, would conclude at so late an hour as to render it impossible for gentlemen to make themselves sufficiently acquainted with the circumstances of the case then under consideration. He should, therefore, as the debate on the Expedition could not possibly terminate before Thursday morning, propose to his right hon. friend to take Friday instead of this day se'nnight, as the day to which the debate should be adjourned. The hon. member concluded by moving an amendment to that effect.

Lord *Folkestone* considered the question so important to the House and the hon. baronet, that, though he should not himself have moved the adjournment of the discussion, he yet was glad that it had been moved in order that he and other hon. members might be enabled to come down better prepared for the discussion. From the attention he had paid to the subject, more perhaps than other members, he was convinced that when gentlemen considered it maturely, they would not regret that the more distant day had been preferred for the adjournment. The question respecting the privileges of that House, had been discussed by more and higher authorities than any other, perhaps, that could be made the subject of investigation. The more, therefore, that gentlemen consulted these authorities, the greater necessity they would feel for attentive and deliberate consideration. On that ground he trusted that the House would agree to the more distant day.

He begged gentlemen would not take up the question as lightly as had been done by some of the members who had already spoken; and trusted that it would be regarded with much more serious consideration than appeared to have been bestowed upon it by the hon. mover and seconder of the Resolutions. It would be necessary for gentlemen to consider drily what were the privileges of that House, without referring to any expressions, which might have been used in a former debate, or resorting to the stale and exploded and senseless topic of the existence of a jacobin spirit in this country. The manner in which the question had been treated by the hon. mover and seconder, made him apprehensive that they had taken up the subject very lightly indeed. Far different, he trusted, would be the degree of consideration bestowed upon it by the House, not alone because it was of near and anxious interest to the hon. baronet, but because it was of the last importance to the best and most vital interests of that House. He thought it his duty to say thus much in consequence of the sentiments, which had been thrown out in the short speeches of the two hon. gentlemen opposite, and was determined to vote for the adjournment to the more distant day.

Mr. *Stephen* declared that the speech of the noble lord had furnished him with an unanswerable argument against the adjournment to the more distant day, if even he had been previously disposed to vote for it. It had been said by the noble lord that this was a question of much difficulty, but for his part he could not see in what the difficulty of the case consisted. If any legal doubt existed as to the constitutional exercise of the privilege of that House, involved in the present proceeding, that was a reason why no time should be lost in getting rid of that doubt. It was to be recollected that an individual was at present in custody in consequence of the exercise of that privilege; and if it could be possible that the confinement was contrary to law, no time should be lost in settling a point which would release a fellow subject from an unconstitutional restraint. He felt a strong wish that his right hon. friend might have an opportunity of having the earliest decision upon a question interesting to his feelings and character; but he was not therefore to be insensible to the situation of another individual of his fellow-subjects now in confinement, whose release might depend upon the decision of the debate proposed to be adjourned. Had it not been stated in the paper of the hon. baronet, that the warrant of the Speaker for committing the individual to whom he alluded was illegal? If any doubt existed as to its legality, the question ought to be set at rest as early as possible.—If the warrant should prove to be illegal, then the person in custody must necessarily be released; whereas on the contrary, if it should be established to be legal, in that case there could be no doubt that the statement of the hon. baronet was a breach of the privileges of that House; but in either case, it was desirable to come to a speedy decision, and therefore he should vote for the more moderate adjournment. It had often been imputed to his right hon. friend, that he preferred proceeding upon questions, relating to the dignities of that House, than upon questions personally interesting to himself; for the present case he could not see what was to be gained or lost by a delay of a few hours, and therefore should vote for the adjournment to to-morrow.

The *Chancellor of the Exchequer* would say but a few words, though the new question would authorise him to speak again. When the hon. gentleman opposite (Mr. Whitbread) had broadly imputed to him a motive in wishing for a delay of 24 hours in the previously pending discussion, he could not sit silent under the imputation. If he had wished for delay, he might have applied for it at the commencement of the discussion, on the ground that some of the papers necessary to form a judgment upon the case had not been delivered to members, and others were not yet on their table. An application for further delay, founded upon such a statement, no hon. member could, he was persuaded, resist. He had no such wish, but was as desirous as any hon. member that the discussion should proceed; and, if it was to be interrupted by the discussion of the question then under consideration, was that interruption to be imputed to him? Had he advised the hon. baronet to publish that statement which was the foundation of the charge against him? Had he recommended to that hon. bart. to publish that statement on Saturday last, so as to give rise at this particular time to the complaint that occasioned this delay? Had he any concern in the mode in which the question had been brought under the consideration of the House? All that the noble lord had said on the principle of the law of the case, had, as had been ably stated by his hon. friend, made against his own argument, and was a sufficient ground for avoiding all unnecessary delay. The question was one of the most grave nature, and of the last importance to the character, the dignity, the honour, and the independence of that House. The longer they suffered the decision upon it to be delayed, the longer they would submit to be trampled upon; and the more they would betray their own dignity, feelings, and independence. The law of the case had been discussed and decided upon in a full House lately almost unanimously. He said, almost unanimously, because though the House was full, only fourteen voted with the hon. baronet, and many of them had voted on the ground that the previous confinement of the individual was a sufficient punishment for his offence. The consideration, however, that one individual was in custody, and another under accusation, was a reason for restricting the adjournment to the shortest possible period.

Mr. *Bathurst* felt that every member must regret that this question had been forced upon the consideration of the House. He thought that whatever opinion might be entertained as to the character of the publication in question, the difference of one or two days could not be of much consequence. He thought the adjournment should extend to the more distant day—first, because many might perhaps think upon a careful examination of the context of this long paper, that it might suggest matter of extenuation, if not of justification—and, secondly, because it was of importance that the question already pending should be previously disposed of. He had read the publication, and thought that in very plain language, it impeached the legality of the exercise of a privilege which was strictly conformable to the practice of that House. For his own part, he thought the privileges of that House as much a part of the law of the land as that unwritten common law which was universally recognized in our courts of law; but on the grounds he had before stated, he should vote for the adjournment to Friday.

Mr. *C. W. Wynn* expressed his surprise that the right hon. gent. opposite, who had been so long an active member of the House, should have felt any difficulty in deciding whether the hon. baronet could take a share in the other proceedings of the House. He conceived that the point was settled that members in his situation were only excluded on the particular question. He then referred to the cases of Mr. Steele, Mr. Esdale, and Major Scott, to shew that adjournments for several days had frequently taken place on questions similar to the present. He must contend that it was actually impossible for gentlemen to be prepared for the discussion to-morrow. He was one of those who had voted on the former question, and might, perhaps, be better prepared for this discussion than others. But when he considered that only 160 members had been present at that discussion, and looked round him now, and perceived that nearly 400 were present, he could not conceive how those who had heard no part of the former discussion could be prepared so early to enter into this. In his opinion, therefore, he thought that, if they consulted the dignity of the House, they should consent to the adjournment to Friday.

Mr. *Madocks* observed, that an interval of five days had taken place in the cases of the Chancellor of the Exchequer and the Secretary of State.

The House then divided on the question, whether the adjournment should be till Friday or till to-morrow:—

For the discussion to-morrow - -	196
For the adjournment till Friday -	146
Majority - - - - - -	—50

[EXPEDITION TO THE SCHELDT.] Mr. *Ponsonby* moved the order of the day for resuming the adjourned debate upon the policy and conduct of the Expedition to the Scheldt. On the order of the day being read, the right hon. gent. resumed his argument (in reply to lord Castlereagh,) and began by expressing his surprise that the noble lord had stated the great object of the Expedition to be the creating a diversion in favour of Austria, and that the destruction of the arsenal at Antwerp was only a secondary object. He had been the more surprized to hear this, when he recollected the instructions to lord Chatham, which stated in effect that the particular object of the Expedition was the destruction of the arsenal at Antwerp. His lordship could hardly now, therefore, be permitted to say that this was an object secondary to the chief one, of giving assistance to Austria. The noble lord had said that he had called for the military opinions not to determine as to the expediency or inexpediency of the Expedition; but, to assist him and his colleagues in making up their minds as to the best means of carrying it into execution. Did the noble lord mean to say, that he asked for these military opinions in order to judge whether he should send out the Expedition or not? He understood from his gesture, that he had called for them with that view. Then why had the noble lord decided in opposition to these opinions? But the noble lord contended that he was not to be bound by such opinions, and illustrated this position by saying, that though one might receive an opinion from a lawyer, that the title deeds of an estate were bad, one would probably next morning, purchase the estate. But though the noble lord had sent out an Expedition in opposition to the opinions of general officers whom he had consulted, he was much too prudent to buy an estate against the opinion of counsel that the title deeds were bad. The noble lord had argued that government was not bound by the opinions of military officers. True—they might act on their own responsibility—but then they were bound to use their discretion with common sense; and though they were not bound by military opinions, yet if they did think it right to act in opposition to them, they made themselves thereby more deeply responsible. All the written opinions which the noble lord had called for, were clearly adverse to the Expedition, so that he had nothing to produce in his favour, or to set against those authorities which tended so strongly to discourage the undertaking.

The noble lord had been pleased to impute blame to his noble friend for closing his evidence without producing general Brownrigg, or examining that officer upon the subject; but his noble friend had several times called for general Brownrigg, who had excused himself as often on the ground of indisposition. But the noble lord himself had produced that general as a witness, and what was the justification drawn from his evidence? Why, he had said, that if the expedition had arrived at Santvliet, on the 3d of August, it might have succeeded in the ulterior objects. But this he founded on no naval or military authority, but confessed, that it was merely an inference of his own from casual conversations with military and naval officers, and founded wholly upon conjecture. The noble lord himself however did not concur in the testimony of general Brownrigg, which he considered so important; for the noble lord did not think those favourable prospects stated by the general, confined to the 3d of August, and said he could not specify at what period the Expedition might not have succeeded: an assertion which implicated those who had the management of its execution. If he could not contemplate the time when the object became impracticable, he must deem its failure owing to the want of judgment and enterprize in those who conducted it. His lordship had been at Deal at the sailing of that armament, and was able to give an answer to the general from his own knowledge, that it was impossible to carry it all to the place intended by so early a day as the general named. The last division was not telegraphed to sail till that very 3d of August, on which day they ought, according to general Brownrigg, to have been at Santvliet, in order to afford any reasonable hope of success. If the noble lord, as he said, was not answerable for unforeseen accidents preventing ulterior operations, yet he was responsible for framing an Expedition without thinking of any adverse accident. Human history hardly furnished an example of the planner of a great Expedition, taking every thing for granted in his favour, and wholly overlooking every thing which might prove adverse.

But the noble lord had favoured the House with long citations from the case of sir John Mordaunt's Expedition against Rochefort, in which he more than insinuated a comparison between that operation and the Expedition to the Scheldt. Lord Chatham, the great lord Chatham, was in that case the war minister, and failed. The noble lord had in the late instance been the war minister, and also failed. There was, however, some little difference between the two men. Lord Chatham stood at least as high in the opinion and had as much of the confidence of the country as the noble lord. Lord Chatham had pretensions to the confidence of the people—which the noble lord would be scarcely hardy enough to think himself entitled to. Lord Chatham as a war Minister, had been rather more successful than the noble lord, and with respect to talents there might be those, who thought, that lord Chatham would not suffer by a comparison even with the noble lord. But to what end had the noble lord cited the solitary instance of lord Chatham's failure? Why select that isolated and only instance? Why not look for some of the many instances in which he had succeeded? though it was to be admitted, that the comparison of a case of failure with any measure of the noble lord's, was the best way to make the comparison itself more apt, and thus perhaps it was intended to be argued.

Sir John Mordaunt was sent against Rochefort, and failed—Antwerp is circumstanced like Rochefort, therefore the noble lord sent an Expedition to Antwerp, and failed likewise. But there was some difference in the amount of force employed in both. Lord Chatham, in the Expedition against Rochefort, did not send out above 8 or 10,000 men. He did not risk a whole army; he did not expose the last army of England to inevitable destruction.

In the course of the commentaries of the noble lord upon the evidence, he stated, that that of general Brownrigg was the most material that appeared, and that it placed the merits of the Expedition in a clearer point of view, than the testimony of any other witness. Let them now refer to that evidence. The noble lord would not dispute the authenticity of the papers drawn up by general Brownrigg, in his official capacity as quarter master general. The noble lord would admit the authenticity of the paper submitted by general Brownrigg to the lieutenant-generals of the army at Bathz, on the 27th of August. Here Mr. Ponsonby read at length the Journal of the Army, and compared different passages with the evidence of general Brownrigg; which officer had affirmed, that if the army had reached Santvliet by the 3d of August, the ulterior objects of the Expedition need not have been abandoned; but it appeared from the papers before them, that on that very day they had received intelligence, that the enemy's fleet were distinctly seen lying at Antwerp. On the 4th of August, the ships had got up between the citadel and the town. It appeared too, that such was the information of the British generals, that they did not know in what part of the town the naval arsenals were situated—neither was it then known that those arsenals were protected by the guns from the citadel. On the 8th of August, the day before that, on which it had been said, that the army might have reached Antwerp, and opened a fire upon it—on that day intelligence was received of a considerable increase of force, viz, 2,000 French and upwards of 1,000 Dutch troops, being in Antwerp, ten squadrons at Bergen-op-Zoom, and great numbers moving in every direction, so that were the accounts but partially, or even half of them, true, had they proceeded, as had been supposed, from Santvliet on the 3d, on their subsequent arrival at Antwerp, instead of finding it in the defenceless state that it was expected to have been found in, they would have found it strong, and formidably defended. The noble lord had spoken of the quality of the enemy's troops, which we would then have to contend with, and added that he would not fear to commit an inferior number of British soldiers to an undertaking of the kind, not fearing but that their thirst for military glory, and talent for military achievement, would bring them triumphant over superior numbers; but did the noble lord forget what undisciplined troops might effect while under the cover of town walls, fortresses and batteries, even against veteran troops? Did the noble lord forget the striking instances of this determined resolution, afforded in the course of the Spanish resistance against the French? In the field, the armies of Spain were unable to make any effectual contest, but under the walls of Saragossa and Gerona, the mere peasantry were for a time, and no inconsiderable time, invincible.

But to return to the Journal. On the 10th of August information was received that the King of Holland had reached Bergen-op-Zoom, and that there was near Antwerp and in the neighbouring cantonments, an army amounting to 96,000 men, all, or the greater part of whom were said to be French; yet the noble lord had told them, notwithstanding those facts, and this confirmation of them, that there was no force, at that time, at Antwerp, or in the vicinity. But what said the Army Journal of the 14th of August?—That the commander in chief had received communications from two most confidential quarters, confirming the truth of all the preceding intelligence received from the 3d down to the 14th, respecting the force of the enemy and the strength of Antwerp. On the 18th and 19th, they got accounts of the state of Lillo and Liefkenshoeik. But the noble lord might say all this was information given to the commanders, but we the government had had different information, and upon that we acted. To recur, then, to the noble lord's own information. And here, in the first place, it was to be remarked, that the persons giving the information were not military—in the next place it was to be observed that the citadel of Antwerp, which was said to be so weak, and concerning which the government pretended to have had so much information, that there was, in their own secret intelligence, proof that they could not know the state of that citadel; none but military men being allowed to go into the citadel—with so much care and caution was it looked to by the French. Then what was the information with respect to Lillo and Liefkenshoeik? With respect to the former, fort Lillo appeared by the noble lord's information to be in a strong state of defence, with guns mounted and palisades. The other fort, Liefkenshoeik, is opposite to it. Of the two the scite of Lillo appeared to be the most elevated. The informant did not believe it to be bomb proof. Here the noble lord's own spy had told him that Lillo was in a strong state of defence. But there was other information; from which it appeared, that on the 1st of August troops were marching to Antwerp from all quarters, though none had at that date arrived there. It appeared also, that on the 5th of August the garrison of Antwerp consisted of 5,000 men, being conscripts, douaniers and volunteers. On the 5th and 6th troops from Calais and Boulogne were marching to Cadsand and Breskins. On the 9th and 10th there were at Breda and Bergen-op-Zoom, from 5,000 to 6,000 Dutch troops, and on the 11th, at Breda, Bergen-op-Zoom, Antwerp and its vicinity, and Cadsand, there were 26,000 troops, exclusive of the garrison of Flushing. The head-quarters were at Roxerthal, and the army was commanded by the King of Holland in person. Now all this, it was to be recollected, came from the noble lord's own spy. His own spy told him that there were 26,000 troops in Antwerp, and the vicinity, on the 11th of August, and those 26,000 exclusive of the garrison of Flushing. This was the species of encouraging information which the noble lord had received from his own spy. Not a single officer or engineer who had given his opinion upon the remote practicability of the Expedition, who did not found his opinion upon the most qualified provision of every thing turning out favourable; and indeed the noble lord seemed inclined to limit the provision still more by arguing, that the Expedition must have been successful, if it had no obstacles to contend with, either as to the elements, the climate, or the enemy.

With regard to the naval part of the Expedition, the noble lord at the head of the admiralty seemed to be as provident as the noble lord himself. His opinion given in the secret information respecting the navigation of the Scheldt, had been formed with the same care and attention that distinguished all the other proceedings of his lordship. It stated, that the passage from the Downs to Bathz might be effected in forty-eight hours, but upon the condition of the most favourable circumstances; and that to effect this passage with expedition and safety, it was necesary that there should be a pilot in every line of battle ship and frigate; the other mode of securing the safe passage of the ships was, that of having the channel buoyed; now, with respect to the buoys, there was not one, and as to the number of pilots, there was but one for the whole fleet.

He now came to that period in the Expedition when the army was assembled at Bathz; and first, he would beg the attention of the House while he read to them, at greater length than he could have wished, the paper addressed by general Brownrigg to the general officers at Bathz. It began by stating, that:—

"The armament having arrived at the point from whence further arrangements are to be made for carrying into effect the ulterior object of the Expedition; and various important considerations combining to call for an immediate determination.—How far that object can be obtained with the means in our power, it becomes necessary to detail these means, and to advert to circumstances which have ensued from the commencement of the undertaking.

"And first it may be premised, that according to the original plan of operations, it was intended that a division of the army should be landed on Cadsand, and by that means secure to our fleet an entrance into the West Scheldt, and prevent succours being thrown into Flushing; thus effectually blockading the fortress by sea, while the army which disembarked on the North side of Walcheren, completed the investment on the land side. The landing on Cadsand became impracticable from the tempestuous state of the weather, the force of the enemy, and from a deficiency in means to debark at once a body of troops capable of contending with the numbers there was every reason to suppose would be prepared to dispute a landing."

Here then it appeared what the force of the enemy was, together with our comparative inefficiency to contend with their increasing numbers. The state of Cadsand was here distinctly laid down, and it would be recollected, that general Brownrigg, in his evidence, fully acquitted lord Huntley of not having acted right, and distinctly stated, that in similar circumstances he himself would have acted in the same way. Where then lay the fault but with the planners? It was evident, beyond contradiction, that all the blame was imputable to ministers, who had sent out a force not adequate to the purpose for which it was designed. He then goes on to say that—

"These circumstances, which it was not possible to controul, gave the enemy the opportunity of largely augmenting his garrison of Flushing, which, together with the nature of the ground on which the attack was to be carried on, rendered still more difficult from the extensive powers of inundation in the enemy's hands, protracted the reduction of the place to fifteen days from the period of our appearing before it; notwithstanding the unremitting exertions of the navy and troops engaged in the operation. With these uncontroulable obstacles to contend with, the prospect soon vanished of being able by a rapid and simultaneous effort, to carry the object of the Expedition to its ultimate extent, and which could alone insure the complete success of the enterprize. The enemy having for some days enjoyed an uninterrupted communication with Cadsand, and having by this means more than doubled his force, led to the necessity of adding to the besiegers corps a large portion of the force destined to proceed by the West Scheldt to the more distant points of attack; and rendered that force unavailable for that object, until we became possessed of Flushing. Having thus stated the actual circumstances under which the armament has arrived in its present situation; we must next consider what we have yet to accomplish, and the force likely to be opposed to us. The strength of the enemy, by concurring intelligence, appears to be nearly as follows: In Bergen-op-Zoom 6,000; Breda 2,000; cantoned between Bergen-op-Zoom and Antwerp 15,000; in Antwerp 11,000; on the left bank of the Scheldt 3,000; in Tholen 500; total 35,500."

And thus we had it in evidence that the enemy's force at that time appeared from concurring intelligence to amount to 35,500 men. Thus too the recorded opinions of general Brownrigg were in direct hostility with the professions and defence of the noble lord. But, would the noble lord insinuate that general Brownrigg had deceived the lieutenant-generals upon that occasion? He (Mr. Ponsonby) would not here ask whether his account was or was not exaggerated. General Brownrigg had since, it was true, in his evidence upon the inquiry reduced that force to 30,000; but had there been but 20,000, they would in such circumstances, be as formidable as fifty. The success upon Antwerp depended, according to general Brownrigg, upon celerity of movement—that celerity upon effective co-operation on the part of the navy, and that co-operation on the reduction of the forts of Lillo and Liefkenshoeik. Upon the 1st of August however it appeared, that the enemy's fleet was above the boom at Lillo, and the general opinion was, that that boom could not be forced. But the statement went on to say that,

"Our total numbers, including artillery, cavalry, and infantry, amounts to about 30,000 effective; of which 6,000 are left in Walcheren, and 2,000 must necessarily be left in South Beveland, giving a disposable force of only 22,000 men for the siege of Antwerp, and the other operations connected with it."

So that 22,000, to say nothing of the casualties of sickness, were the whole amount of British troops disposable to advance to the siege of Antwerp, and to contend with 35,500 men. The House would observe, however, the mode of carrying on the siege as recommended in the following passage:—

"In proceeding to the siege of Antwerp, it would no doubt be a leading object in the plan of operations, to accommodate it as far as possible to obtain the co-operation of our naval means, without which, the enterprize would be clogged with the difficulty of transporting by land from the point of debarkation, through an enemy's country, all the ordnance, stores, and entrenching tools, necessary to undertake the siege of a considerable place, and to provide the means of subsistence for which we could not well command the resources of the country beyond the reach of our arms; and it would be a considerable increase of these difficulties to collect if they can be had, or to transport if they be prepared, the vast quantities of platforms, fascines, and gabions required for such a siege. The plan by which only the co-operation of our naval force can be obtained would be by the reduction of Lillo and Liefkenshoeik, and the complete investment of Antwerp on both banks of the river."

From this it appeared, that nothing less than the complete investment of Antwerp could be effectual. Such was the language of the general who had talked of reducing Antwerp by bombardment. One would almost be led to doubt upon referring to this paper, that the writer of it was the same gentleman who had given his evidence at their bar. But the noble lord had said, the Expedition had not been fairly tried. In what respect? Did he mean to say that the mode of execution had defeated the plan? Were the generals wrong in retreating? Would the noble lord have had them, even after general Brownrigg's paper of the 26th of August, have gone forward; or if he admitted that nothing could have been done after that period, he called upon the noble lord to state, what error in the execution was the cause that nothing had been done before it? Why not openly state to his Majesty—to that House, where and how his plans had been abused, or discomfited?—And if the noble lord felt that such was the fact, why did he not move a censure upon those men who had refused inquiry into the causes of the failure of that Expedition? But with respect to the diversion in favour of Austria—Austria required no such exertion upon our parts, neither as to number nor as to place. He could not help adverting here to the manner of expression, to the general tone, in which the noble lord had last night conducted his defence. The noble lord seemed to feel as if he had performed some great service to the country, and was in other parts of his speech as gay, airy, and blithsome, as if he was enjoying some pleasant entertainment; and that too while he was answering the representatives of his insulted and injured country for the many thousands of his countrymen whom his wild fantastic experiments in expeditions had buried in a foreign grave. Men, no doubt, differed very much; but he did not think that any other man in the empire so circumstanced, could have spoken upon the subject without real agony of mind.

But the noble lord could be calm, could be gay, and even feel at his ease, though he had undertaken this most disastrous Expedition, in opposition to the spirit of all the opinions of the military men he had consulted. Sir H. Popham in vain pressed for dispatch, and threatened the noble lord at the head of the admiralty with the dreadful consequences of delay, in having to contend with the most serious of obstacles—the elements; but the noble lord knew better. That noble lord replied to such representation, "Go on, sir Home—only go, and I dare say you will do very well." (A laugh.) Another ground of justification as stated by the noble lord, was the expediency of raising the character of the army—to raise higher the military character of the country. Did the noble lord find that character so fallen and degraded, that it became expedient to throw away the lives of a great army in order to restore it? This was indeed a compliment to our military means! but if that Expedition had found their character high, had it by its own virtue or its unhappy result worked that character up higher? Where had we met the enemy upon equal terms and not been conquerors? But were we a herd of the veriest cowards that ever crawled upon the earth, common humanity should have prevented him from embarking such a cruel experiment. Nelson, and the fights of Aboukir and Copenhagen had been irreverently introduced by the noble lord in his justification. Why! what similarity was there between that Hero and the commander in chief of the late Expedition, whom the noble lord selected for celerity, sagacity and dispatch? The noble lord thought he was upon a rock; he called for acquittal from the justice of the House. He (Mr. Ponsonby) called also upon the justice of the House. He asked them if they would say that the noble lord was not responsible for the failure? But the noble lord had indeed reason to calculate liberally upon the lenity of the House. They had often been deaf to the calls of justice and pardoned his offences, only to repeat the exercise of their forgiveness. He was either wrong or he was right—if right, why that latent intrigue, amongst his colleagues, in which even his nearest connections and associates took a part. Why did they all agree that he was incompetent to the situation which he held? Why did they agree that he should stay in office till the termination of the Expedition, which he himself had planned—then to be turned out, whether that Expedition failed or succeeded? He (Mr. P.) believed that they were anxious to send out the Expedition, in order to send out the noble lord. They were so anxious to get rid of him, that they suffered him to plan what they were conscious must fail, but which failure would relieve them from the noble lord. The House, then, would pause, and retrace the mischievous effects of their own misjudged lenity towards the noble lord, and the set of men who have been so long abusing it. This conduct of that House was one of the most powerful causes of the late calamitous Expedition. They had now to suffer the consequences of their weak indulgence to the incorrigible fatuity of a set of men, who thought that because they were tolerated they were approved. Unfeeling from habit, bold from ignorance, and confident from impunity, they grew more hardy as they became more criminal. Let the House assert its dignity, by wresting from them the means of doing mischief. They had heard of libellers within and without those walls—let the House be but true to itself, and to the country, and such conduct would be the most satisfactory answer to all such charges.

General *Craufurd* rose and addressed the House as follows:—Previous to entering upon the immediate consideration of the Expedition to the Scheldt, I shall, with the leave of the House, take a review of the general policy by which his Majesty's ministers must have been governed at the time they determined upon that measure.

This would have been a necessary preliminary discussion at all events, but it has become particularly so, as much difference of opinion has prevailed in this House and in the country, upon a point of such very material importance.

Objections of a pecuniary nature have been stated to any other employment of our forces at the period when the Expedition was sent to the Scheldt, but there are, in my opinion, many considerations which must then have rendered operations in any part of Europe but that which was chosen for their theatre, decidedly out of the question.

Early in the spring of 1809, Austria was meditating war with France, and we were actively engaged in support of the Spanish cause against the same power. It behoved us then to combine, as far as it was possible to do so, a co-operation with Austria without relaxing our efforts in favour of Spain, and with as much attention to our immediate national interests, as might be compatible with the furtherance of those of our allies, and with the success, as far as we could promote it, of the common cause of Europe.

When I mention national interests, I certainly do not mean to deny that our first and best interest must ever consist in promoting, to the utmost extent of our power, the success of those nations which may be at any time engaged in active hostility against the common enemy. But whilst a government is acting upon this broad and enlightened system, it is its bounden duty to attempt the acquisition of such separate national objects as may be attainable without prejudice to the great and general line of policy, which an able statesman will ever make his predominant consideration.

Austria, in her communications to this government, made two distinct propositions:—The one to land an army in the gulf of the Adriatic, in order to co-operate with the archduke John, at that time commanding on the side of Italy, and if that should be considered as not practicable, at least to keep all the troops in Sicily which then were there, for the purpose of creating a diversion in Italy, either by occasional descents, should opportunity offer, or by detaining, through the menacing attitude of that offensive position, a part of the enemy's force in the kingdom of Naples.

The second proposition of Austria was, to send a corps of moderate size to the north of Germany, for the purpose of supporting, and still farther increasing the insurrections against the newly established governments which had already appeared in those countries, and by that means creating a great diversion in her favour.

Let us now examine the measures thus proposed by Austria, and other operations which have been suggested in this country as preferable to that which his Majesty's ministers adopted.

The landing an army in the Adriatic Gulf has always appeared to me a measure particularly objectionable, even if your ally, for whom it might be undertaken, were in great force in that quarter, and enjoying a decided superiority over the enemy.—The great and leading objection consists, I think, in this consideration;

namely, if the allied army should be forced only to a temporary retreat, the British would suffer incalculable inconvenience from the interception of all communication with their fleet, and their great depot, and from their being thrown entirely upon their ally for subsistence, and every requisite for the army, in an unproductive country, ill calculated to furnish supplies for the extent of force which, under such circumstances, would be pressing upon its resources.

This observation applies to an operation in that point at any time; but in this particular case there was another insuperable objection. The army intended for active operations could not possibly be ready before the middle or latter end of July, as appears by the papers on the table; because the basis upon which alone it could be formed, were those troops which had been employed under sir John Moore in Spain: and with all the exertion which the government, the commander in chief, and every officer concerned, could make, the regiments that had suffered so much in their retreat to Corunna, and in the glorious battle fought there, could not possibly be ready to take the field again before the period above mentioned. Our means of recruiting are well known to be very limited—our great resource for expeditious completion of deficiencies, and augmentation of our force, namely, volunteering from the militia, was resorted to, and no means left unemployed, but still the utmost energy and activity in every department could not produce a sufficient army of any size sooner than the period at which our troops were embarked in July.

If we had dispatched so large an armament to the Adriatic Gulf at so late a period, (and sooner we could not have done so) considering the length of the voyage, and difficulty of parts of the navigation, there was no chance of our arriving at Trieste till long after the archduke John had retired into Hungary; and to descend in a small corps at Trieste would have been madness.

In every point of view considered, this Adriatic operation could never have been seriously entertained a single moment by any person capable of appreciating such subjects.

The invasion of Italy comes next under our consideration.—The sending a large army to that country, must always be, to a great degree, objectionable, on account of its distance from England; however, I am ready to admit, that a combination of certain circumstances might render such an operation advisable, but it most undoubtedly was not so in the present instance. Before you determine upon sending an army to act decidedly in that quarter, the Austrians must be prepared to invade the north of Italy with such means, and under such circumstances, as would justify your forming sanguine hopes of success. In this case, a large force disembarking in the kingdom of Naples might undoubtedly co-operate to very great advantage; but when you consider that Austria began the late war with France totally unconnected with any other continental power, and that the opening of her campaign evidently proved, that the leading principles by which it was governed were fundamentally erroneous, and tending to destroy all hopes of the accession of Russia to her cause, even if such hopes had ever been entertained, the government of this country would have acted very unwisely to place that confidence in her ultimate success, which could alone render the sending an army to Italy an advisable measure.

France contending against Austria, the latter wholly unsupported by any continental power, made the issue at least quite uncertain. Had Russia acted heartily in the field with Austria, we should have been justified in looking to ultimate success in the great struggle then pending, and completely justified in committing ourselves to any extent in support of so formidable a combination against the common enemy; but even in that case, the operation in Italy is not the one I should prefer, though a very material objection under this supposition would certainly have been removed.

Under the existing circumstances of the case, the objections of the length of voyage and consequent late arrival, would equally have applied to this operation as to that in the Adriatic; and though our communication would always have been secure, yet we should just have landed in Italy and re-embarked without having effected any diversion of consequence to our allies, and without the chance of obtaining any national object whatever. The Austrian armistice, and the time which the enemy had had to bring forward great additional means, would have enabled him to turn against us a considerable superiority of force, without weakening himself too much on the Danube, before we could have made any considerable progress in offensive operations, and the definitive treaty of peace would have left us no alternative, but that of retreat.

In Sicily we wisely kept what force was already there; we could not withdraw it to act in Spain without subjecting Sicily to a successful attack by the French troops then in Italy. The retention of our force in that island, had certainly the effect which Austria looked to when she urged us not to withdraw it, namely, of keeping a French corps in the kingdom of Naples.

The second suggestion of Austria, to send a force to the north of Germany, was liable to many very serious objections.

Nothing could have justified you in fomenting and extending, by your countenance and support, insurrections which you did not see the best prospect of bringing to a favourable issue. Such a prospect did certainly not arise from the extent of confidence which you could repose in the successful termination of the contest between Austria and France, nor was the force which Austria proposed to you to send to Germany, under any circumstances, equal to the object.

Having fixed upon a secure landing place for a large armament between the Ems and the Elbe, where your re-embarkation, in case of retreat, might have been protected by an entrenched position, which would equally have served for your first great depot; you certainly might, in that case, have made use of the Weser, as your centre line of operation, with great advantage, re-establishing the fortress of Hameln as your principal advanced depôt, and enrolling and arming all the disbanded soldiery of Hanover and Hesse, &c. who would soon have formed a very considerable body of excellent troops.

The detail and ulterior extent of your operations must, of course, have depended upon circumstances. But if you had had an army of about 40,000 British troops to support those insurrections, there would have been little or no doubt of success, provided always, which was indispensably necessary to the happy issue of such a project, you could have had that confidence in the Austrian campaign, which the junction of Russia could alone have entitled you to entertain; and provided you could have been sure of the active co-operation of Prussia, to guard you against the incursions of the Danes from the North; upon which I think you might have reckoned, if Russia had joined Austria.

The disembarkation of your army at Stralsund, with a view to carrying on operations in the countries of Hanover and Hesse, would, under any circumstances, have been unadvisable: the distance from England is so great: there is no water communication leading towards the intended theatre of your operations; and the intervention of the Prussian territory between you and your principal point of communication, would have placed you in too great a dependance upon a power, whom you had not the means of positively controlling.

The minor operation, as proposed by Austria, would have been, in every view, highly injudicious. And the more extensive one would only have been justifiable under the circumstances to which I have above alluded, of an extensive combination against the French, &c. &c. because, in no other case could you have entertained any well-grounded prospect of permanently re-establishing the original German governments; which, of course, was the only object that your support of the insurrections could have had in view.

To give rise to such insurrections, or to encourage them, and extend them by your countenance, unless with as great a certainty of bringing them to a favourable issue as any human effort can afford, is wholly inadmissible. To resort to such measures merely for the purpose of creating a diversion, with every probability of being obliged to abandon the inhabitants of a country either excited by you, in the first instance, or to whose risings you have been a party by giving them protection, thus becoming the means of subjecting a loyal and brave people to the vindictive rage of offended rulers, is atrocious policy. It is what every honest man must sincerely deprecate, and I trust the fair fame of Britain will never be sullied by the adoption of such a Machiavelian system.

When I remarked, that in order to justify your committing yourself decidedly in operations of the nature that I have described, you should have reason for more confidence in the success of your ally, than the government of this country was entitled to entertain, whilst Austria was last engaged against France; I was very far from meaning to establish so ungenerous, so contracted, so paltry, and so impolitic a principle, as that when your ally is the weakest, and consequently wants your assistance the most, it is then that such assistance, upon cold prudential calculations, should be withheld. It is one thing, however, to be actually engaged in the field, either in immediate connection or in co-operation with an ally; and another, to determine how far you can be justified in committing yourselves before that alliance is formed. Should circumstances have borne you out, in making common cause with an ally, to the utmost extent of that term, then, of course, you must share with him every danger of the war, as long as it is possible for you to persevere; otherwise you would be a degraded nation, and your alliance would not be worth having. But the paramount duty of a government, primarily to protect and foster the interests of the particular country over which it presides, imposes the indispensable obligation, previously to contracting an alliance which is immediately to be followed up by hostile operations, to weigh very maturely the degree of confidence which all the circumstances of the case justify in the ultimate issue of those operations, and upon this consideration to determine the extent to which the means intrusted to the care of that government ought to be committed.

Another employment of our force, suggested in this country, was in aid of the Spaniards on the peninsula. Now the addition of any reinforcements of consequence to our army in Portugal, considering the dearth of subsistence there, could have produced no other effect, but that of creating the utmost embarrassment in point of provisions, thus suspending our active operations in that quarter, and completely paralysed our exertions.

There is, indeed, another point on the peninsula from whence, under certain circumstances, we might have operated with very great advantage. If we could have landed an army at Cadiz, it would have had all the resources of Cadiz itself, of the fine province of Andalusia, and the fertile banks of the Guadiana for its supplies, equipment, provisions, means of transport, &c. This army would then have taken its line by Cordova, through the Sierra Morena upon Madrid, and connected that operation with the advance of the army from Portugal, by an intermediate corps proceeding through Seville and Merida. Such an operation, especially considering that at that time the enemy could not reinforce his armies in Spain, would probably have terminated in the complete expulsion of the French from that kingdom, and, of course, would have been most essentially beneficial to the common cause. But in order to have made this practicable, the Spaniards must have given us temporary possession of Cadiz, as our chief depôt, and as our point of retreat in case of failure. To this they would never consent, and our government, acting always upon those great and liberal views of enlightened policy, which have invariably led them to avoid increasing, by an act of theirs, that political jealousy, which has always formed an essential feature of the Spanish nation, and the augmentation of which towards us would seal the annihilation of their last hopes of success, determined not to take possession of Cadiz excepting by their consent; the impossibility of obtaining this obliged us to renounce a plan, to which otherwise we might have resorted with so much advantage; we wisely concluded, that without the actual possession of Cadiz, such an operation was not to be undertaken.

As to any descent upon the coast of France, no attack which you could have made would have held out a prospect of national advantages in the least degree comparable with those which would have resulted from success in the operation you did undertake: and such a descent would have created no diversion in favour of Austria, at least none of any importance. In France, properly so called, the enemy would much sooner have had an opportunity of collecting superior means to oppose you; because, under no circumstances however urgent, could the ruler of that country leave it without a considerable number of regular troops, which might have been soon collected and formed into an army; and the gens d'armes and national guards are very numerous.

Every operation therefore but that which was determined upon was positively objectionable, in some way or other; and the Expedition to the Scheldt, at the same time that it held out the best prospect of attaining objects of the utmost possible magnitude to this country, was the only diversion, little as it might be, which you could make in favour of Austria, unless you acted with a great degree of political shortsightedness, and with a degree of criminality that would for ever have disgraced the government of this great and enlightened, and I will say, with all our defects, of this virtuous country.

Let it not be said that we collected a large armament and then looked around for its object, determined to send it somewhere, and if we could not find an eligible destination, to choose a bad one rather than let our force remain idle. If you can suppose any person to be serious in talking thus, you must suppose him at the same time ignorant of the best interests of his country; otherwise he would be able to appreciate how materially those interests must have been promoted by the complete success of the Expedition now under consideration.

The Austrian propositions have been urged, as if they ought to have been binding upon this country; but, though you would upon all occasions be desirous of course to meet the wishes of your ally, yet you are not obliged to surrender yourself to him at discretion: he may propose what it is unadvisable to adopt, and you must exercise your own judgment. From long experience of the Austrian councils, I cannot say that I think them more entitled to blind confidence than those of other powers.

I must protest too against the admission of the doctrine, that the plans of ministers are necessarily to be tried by contrasting them with the speculations of others. The variety of those speculations is at once sufficient to prove the absurdity of resorting to such a medium of probation. Upon what principle too can the opposition set up their opinions as incontrovertible? No set of human beings have any right to arrogate to themselves infallibility. That is an attribute which belongs not to mortals: but suppose it were otherwise, why are the opponents of a government more entitled to claim that advantage than the government itself? At first sight the presumption is in favour of every government, from the superior means of information which they must possess, and which are so essential to forming a just opinion upon their measures.

The project of France is certainly to form an immense naval armament in the Scheldt. The basin now forming at Antwerp is to contain fifty sail of the line. By means of the extensive inland navigation, which France, in the present subjugated state of Europe, completely commands, timber and other materials for ship building can be collected in any quantity at Antwerp, and artificers to any number; therefore I see no limits to the creation of what naval means our enemy chooses in the Scheldt.

Those means would always be available against this country, excepting about two months in the year, when the Scheldt might be frozen. At that period however twenty sail of the line might always be stationed in Flushing harbour, ready to act at any moment.

Look at this immense naval establishment with immediate reference to the invasion of England.

It has always been considered by those best able to form a judgment upon such subjects, that to enable the Boulogne Flotilla, containing, when in order, about 100,000 troops, to pass the channel in security, the presence of a large fleet would be necessary, partly to draw off our ships of war, and partly to afford an immediate escort.

With this view the enemy has contemplated plans of assembling large fleets in the Atlantic, and after deceiving us with respect to their destination, to run them up the Channel. This would at all times have been very precarious: but from the Scheldt he will be able to combine a formidable invasion with the greatest facility. He can send from thence a very large fleet for the purpose of assisting the operations of the Boulogne Flotilla, and another large fleet to act in conjunction with the fleet of Holland, perhaps too with the fleets of the Baltic, in escorting and protecting a considerable army embarked on board transports (of which he will be able to collect as many as he can possibly want) across the German Ocean, to descend upon the eastern coast, whilst attacks are carried on at the same time, from the other parts of the inordinately extended dominions of France, against the south-west quarter of this country, and against Ireland.

This great combination against you might take place at any part of the year, excepting when the Scheldt was frozen; and even then, to watch the twenty sail of the line which the enemy might always have lying at single anchor in Flushing harbour, you would be obliged to keep one fleet of that size at Yarmouth, and another of equal size in the Downs (very bad and dangerous roadsteads,) both of which fleets might eventually find themselves to leeward. For this you have the authority of that excellent officer, Commodore Owen.

And what sized fleets you must have in that quarter, effectually to watch the enemy's armaments to the east of England, when his projected establishments in the Scheldt are brought to maturity, it is not difficult to foresee. It is also I believe very decidedly the opinion of your most intelligent naval officers, that, allowing your maritime preparations to be carried to the greatest possible extent, and giving your navy the utmost credit for their characteristic heroism, and their proved intelligence and invincibility, naval security against invasion, depending as it always must so much upon the elements, never can be certain.

I am quite aware of the improbability of just and accurate combinations taking place in operations of invasion across the sea, and from points so distant, however able may have been the previous arrangements. But where the consequences of success on the part of the enemy are so dreadful, it behoves us to provide against all possibilities: and whether such combinations were accurately executed or not, the attack would be of the greatest magnitude, and most formidable.

That Buonaparté will undertake the invasion of this country, one day or other, I am perfectly persuaded, and that perhaps at no very distant period. It is his chief and favourite project. It is the last act, without which the great drama would be incomplete. I certainly believe that he has never entertained a serious intention of carrying that project into execution at any time previous to the present period. He must always have seen, that his only chance of success (however vain I trust it will prove) depended upon his undertaking the operation with an immense force: such a force he never could risk sending out of his country, whilst the greater powers of the Continent were ready to attack France so weakened, and, in case of failure, perhaps so shaken by internal commotion. But this great obstacle is now removed. All the continent is at the foot of France; and there being no longer any check upon the invasion of England but the simple apprehension of failure, no man of common understanding can suppose that Buonaparté will not make use, for that purpose, of the means in his hands, extensive beyond all example, as soon as his preparations can be brought to maturity. In the mean time, perhaps, he may make a desultory attack upon Ireland. But for the success of his great plan, he will look to the employment of the most formidable means, and to some such combination as I have stated.

With these considerations before our eyes, and I am sure I have not been guilty of the smallest exaggeration of the enemy's power or his projects; with invasion, certain invasion, of the most formidable description, approaching, the success of which would be attended with every horrible calamity that could possibly befall this great and prosperous and happy country: the destruction of all its power and consequence, of every species of property, of all domestic comfort, of all personal security; the desolation of our dwellings, the dispersion of our families, the annihilation of our liberties and our whole political existence: this independent nation, which now justly exults in a glorious superiority, this last refuge of the persecuted and fugitive virtue and liberty of the earth, turned into one general camp, and groaning under the iron rod of military despotism: a most licentious and savage soldiery domineering with brutal sway. Every class of the community deprived of whatever makes existence desirable, and the whole become French conscripts. With these considerations, I say, present to our minds, must not every man in the country, down to the lowest and most insignificant individual it possesses, have the strongest personal interest in averting or greatly diminishing the force of the attack? and must not a government be more than justified, must it not be entitled to applause and gratitude, for strenuously endeavouring to lessen the chance which the enemy may have of accomplishing his fatal project? This applies immediately to the conduct of our government in determining to undertake the Expedition to the Scheldt; for, next to Boulogne, I am perfectly persuaded, that the enemy has not, in the whole immense extent of his dominions, a point of such great importance with respect to the invasion of this country as that against which our arms were lately directed.

If, by the destruction of the naval establishment at Antwerp, we could have retarded the progress of the enemy's preparations in that quarter, even for a year or two, it would have been extremely essential with a view to gaining time; and if we could have retained possession of the island of Walcheren, it would have been of the highest possible importance.—I do not know therefore any object so closely interwoven with the dearest interests of England, as that which the Expedition now under consideration was intended and calculated to attain; and it was at the same time the only diversion in favour of Austria which it was possible for us then to make.

I must beg to be understood, that when dwelling upon the very great importance of neutralizing the enemy's establishments in the Scheldt, with immediate reference to invasion, I do not mean to say, that the successful invasion of the British empire necessarily follows, though we have not succeeded in the accomplishment of an object which would have given us so much additional strength. That this invasion will be attempted, and in the most formidable manner, I am convinced. But though our preparations to repel the attack must be considerably greater than if we could have retained Walcheren, yet I am persuaded, from the deepest meditation upon this most interesting subject for many years, that we have it in our power to provide such means of resistance, as, if judiciously applied, would place us in complete security, and enable us to bid defiance to France and all Europe combined in a united determination to effect our destruction.

If we profit, as we may do, of the powers of resistance which we possess, and which can be called into action without any particular pressure upon, or much inconvenience to the country, (but what pressure, or what inconvenience could be considered as too great to obtain the inestimable blessing of security against successful invasion!) we shall still have ample time wholly to avert the impending danger. If we allow those powers to lie dormant, the enemy will establish himself amongst us; and though I am sure the heart of every Briton would throw out defiance to its last beat, yet the country must be convulsed, desolated, and torn to pieces, so that this generation could never hope to see order and tranquillity restored, or again to experience a moment of comfort or satisfaction.

Having proved, I think, beyond the possibility of contradiction, that general policy clearly pointed out the attack upon the enemy's establishments in the Scheldt, as the best operation which the government could possibly undertake under all the circumstances of the moment, we must now consider the expediency of the measure, and examine how far that bore out the ministers in attempting what policy so forcibly dictated.—The distinction between policy and expediency is, I think, very clear: the one involving all those general considerations which I have enumerated; the other depending upon the practicability of the operation in contemplation.

Before I come to the detail of the operation, I shall make some observations upon the intelligence which was received by the government, and that which appears upon the quarter master general's journal, as also upon the opinions delivered previously to the sailing of the Expedition and subsequently at the bar of this House. —In doing this, I shall certainly not tire the House by reading passages from the voluminous mass of evidence upon the table, or referring more than I can possibly help to extracts which I have made myself from those documents. If I should happen to be inaccurate in any dates or numbers or in any quotations, I beg that the noble lord, and the honourable gentlemen on the other side, will take the trouble to set me right. It is under their correction, and that of the House, I am now speaking.

Previous to the month of June, the ministers had received such intelligence from the continent, through different confidential resources, as gave them good reason to conclude, that the works of Antwerp were in a defective state, and the garrison very inadequate; that these works had not undergone any improvement, since the year 1794; that those of Flushing had been very little improved: and that the country, in general, was bare of troops, the enemy having drawn almost all his disposable force into Germany, where at that time, as is well known, he was engaged in a severe contest with Austria. Some articles of this previous intelligence rated the enemy's force higher than it proved to be; but his Majesty's government shewed that they well knew how to appreciate the information they received, and detect its inaccuracies and exaggerations. This appears by the facts as they turned out, and in the intelligence procured by the army on the spot. Therefore, notwithstanding the exaggerations to which I have alluded, the government was justified in considering the country which they looked to as the future theatre of our operations destitute of the means of any considerable defence.

Towards the end of May, the government having now begun seriously to project the destruction of the enemy's naval means and establishments in the Scheldt, and the taking possession of the island of Walcheren, the secretary of state for the war department applied to the Commander in Chief for his opinion relative to the practicability of such an operation.

Certainly the Commander in Chief, considering his consummate knowledge of the military science in every branch, and his long and extensive experience, was as able to form a just opinion upon such a subject as any person whatever. But though the secretary of state laid before him all the intelligence of which he was then in possession, and which was quite sufficient for the government, strongly impressed as they were with the extreme magnitude of the objects in contemplation, seriously to meditate such an expedition, yet this intelligence was not of that accurate and precise nature, and, upon the whole, not so distinctly and decidedly favourable to the easy accomplishment of the projected plan, as would justify the Commander in Chief in giving an official opinion, for which he might become responsible, founded implicitly upon such grounds. He, therefore, looked only at the difficulties of the operation, pre-supposing Antwerp to be in a complete state of defence, in which it might have been placed during the time that the enemy had been in possession, and competently garrisoned; the country too furnished with the proper means of defence, and, in general, such preparations for resistance made, as, unless we had very good reason to know the contrary, we must naturally conclude to be the case.

These were the only grounds upon which the Commander in Chief, in his official capacity, could, at that time, give an official written opinion. But, it must be observed, that though he does state the difficulties of the enterprise to be, in his mind, very great, yet he never goes the length of saying that he considers them as insurmountable.

Amongst the opinions of the Commander in Chief's staff, that which it is attempted to make most prominent, is col. Gordon's; when I say attempted, I do not mean any improper insinuation; the noble lord and those gentlemen who sit near him, have a great case to make out, and they naturally wish to put those opinions most forward, which are most in favour of that case. I must observe, that there are parts of colonel Gordon's opinion which I do not well comprehend: he says, that, whether the enterprize should be successful or not, a great part of the naval and military means of this country must be put to imminent hazard. How colonel Gordon could make it out, that if we were successful a great part of our naval and military means would probably be destroyed by the enemy, I really cannot comprehend, unless he supposes that the commanders of the army and navy would have acted in so stupid a manner, as to allow their return from Antwerp, after success, to be intercepted. The term, desperate enterprize too, which he applies to this undertaking, is much stronger than circumstances warrant. I certainly have a very high esteem and respect for colonel Gordon; he is an extremely clever, intelligent man, of indefatigable zeal and industry, and eminently conversant in the details of his profession. But, however extensive may be his theory, he has had but little, if any, experience of actual service upon a great scale, the extreme value of which in forming an officer for command, or to enable him to give a just opinion upon a great military operation, is best known to those who possess the most. Many difficulties and many impediments appear insurmountable to the officer of little actual service, and, as it were, appal his judgment, which the more experienced sees at once the means of overcoming.

If I were entrusted with the command of an army, I should undoubtedly be much obliged to colonel Gordon if he would favour me with his sentiments upon my intended operations; I should always receive them, however, with the abatement and deduction which his want of experience of actual service upon an extended scale must naturally occasion. I trust he will excuse these observations, but as his opinion upon the subject in question is made so very prominent, and as it were decisive of the merits of the case, it is necessary for me to give my reasons for not admitting it to that extent.

Of the other opinions given by the Commander in Chief's staff, some are more, some are less favourable to the Expedition; but in none does the tone of condemnation, or even of dissuasion come nearly so high as in that of colonel Gordon.

These communications were made to the secretary of state on the 2d of June; subsequently to which period, his Majesty's government procured much further intelligence of so encouraging a nature, and apparently so accurate, as induced them to determine upon carrying the projected Expedition into execution, notwithstanding the communications which they had received, as above stated, from the head-quarters; because they felt persuaded, that if the Commander in Chief and his staff had been in possession at the time their opinions were asked of the intelligence which the government subsequently received, those opinions would have worn a very different complexion.

The government has been blamed by the other side of the House, for not again resorting to the opinions of the Commander in Chief and his staff, after having received the intelligence upon which they finally determined to act; but nothing can be more unjust than this accusation. It was easy for the goverment to determine, being already in possession of the opinions of those officers, what variations in them the more precise and more favourable intelligence must necessarily make; and it would have been very unfair of ministers to attempt to throw the final encouragement or rejection of the Expedition from themselves upon the Commander in Chief; he could be officially no party to it, he could have little share of the credit arising from success, and it would have been an unworthy proceeding to endeavour to load him with any part of the responsibility.—I must here strongly protest against the doctrine, that a government is under the necessity of justifying any expedition that may be undertaken by written military opinions to that effect, or by proving that a certainty of success existed before they engaged in the operation. All military combinations consist of possibilities and probabilities; you can reduce nothing to a certainty, but the siege of a place which presents no great natural obstacle; and that too is always subject to the contingency of the operations of the siege being properly protected against the enemy. If governments were therefore to wait till success was reduced to mathematical certainty, no operation of war would ever be undertaken at all.

Is it too for the government, or for a commander in chief to go to every general officer of an expedition, and ask his opinion with respect to the probability of success? Was this ever the practice of any government? or was it ever a condition imposed upon any commander in chief? Certainly not; and I trust the noble lord and his honourable friends will, upon reflection, be convinced how impossible it would be, under such restrictions, to carry on the military department of the government with advantage to the state, or to command armies with that energy and promptitude so necessary to their success. You would constantly be floating in indecision, amongst a variety of opinions that it would be impossible to reconcile, till the moment for action was gone by.

I do not mean to say, that a government should not consult upon military operations officers in whose ability and experience they may have confidence, or that the commander of an army should not do the same. But it is contrary to all practice and policy that opinions so delivered are to be binding on either; and the less formal and the more familiar your consultations, the more likely are they to be useful; because, when you require persons formally to commit themselves, you may depend upon it they will generally make use of the utmost reserve, and not communicate one half of what they think and feel upon the subject referred to them.

The intelligence subsequent to the 2d of June stated, that Antwerp was left with scarcely any garrison; that the greatest part of the corps of artificers, usually employed in the dockyards, had gone to the Danube. That the works were in a very defective state, two small breaches in the rampart, the ditch fordable in two places, and generally much encumbered; the outworks in complete decay; no covered way; generally speaking no preparation against an attack in any part of the Scheldt, and throughout the whole country no force capable of making much resistance. There could not therefore be a more favourable opportunity for carrying our arms into that quarter.

If it had been possible to dispatch the Expedition earlier, it certainly would have been much better; but by the papers on the table it evidently appears that we could not do so; and the government was positively informed, by a person extremely competent to speak to this point, that the state of the wind and weather in July and August was usually favourable to the progress of an armament up the Scheldt; the same person afterwards stated to the Secret Committee, that he never remembered such adverse weather at that season, as we met with upon our arrival off the mouth of that river.—The intelligence which Government received previous to the sailing of the Expedition, was completely corroborated by that subsequently obtained by the army in the progress of their service, with as few exceptions as ever arise upon similar occasions.

Without fatiguing the House with long details upon this subject, I shall confine myself to the leading features, as they stand recorded upon the quarter-master-general's journal.—Upon our arrival in the Scheldt, there was certainly a total want of preparation on the part of the enemy, as appeared by the little obstruction we met with in going up that river, and by their not having even begun any batteries between Lillo and Antwerp, previous to the month of August; nor were those batteries finished till about the 26th or 27th of that month.

That the works of Antwerp were in a very defective state is to me quite evident, from the circumstance of the ditch being only cleared out on the 10th of August, and water not let in till the 14th. No inundation was formed in the neighbourhood of Liefkenshoeik till the 18th, and it is not till the 22d that sir John Hope reports the enemy to be busily employed in repairing that fort, which of course implies previous deficiency. Flushing itself, too, was by no means in such a state of defence and preparation as it might have been; for, on the front which we attacked there was no glacis, and you could see the foot of the rampart of the body of the place from a considerable distance.

General Sontag, commandant of Middleburg, an officer of great intelligence and experience; col. Mosheim, commandant of Flushing; and capt. Puget, of the royal navy, naval commissioner of Flushing, all understood from several very respectable people, who were in constant communication with Antwerp, that that place was in a very defective state, both as to works and garrison, when our Expedition arrived in the Scheldt, and that if we had appeared before it in force there would have been no doubt of its surrender.

The absence of troops was, generally speaking, as great as the government had been led to expect.

From 3 to 4,000 troops, is the highest number stated by the journal ever to have been, at one time, in garrison at Antwerp. In the report of the secret Committee, 5,000 are said to have been there on the 5th of August, including, however, raw conscripts, volunteers, and armed custom-house officers. The rest of the garrison of Antwerp, which was stated at last to amount to 11,000 men in all, was said to be composed of the ships' crews and the artificers. The intelligence of the 8th, transmitted by sir W. Erskine, and that of the 9th, transmitted by sir John Hope, are nearly verbatim the same, therefore we may consider them together. The numbers therein stated are evidently much exaggerated; for instance, it is said, that the enemy's fleet could furnish 11,000 men for the defence of Antwerp; now can any rational man suppose that possible? In the uncertainty of an attack upon their ships by our naval means, could they have left them so bare of defence? It must be observed, that they had only 10 sail of the line afloat. They could never, I think, land more than their marines, until they had carried their ships so high above Antwerp as to place them entirely out of our reach. The report, too, that the French would have 40,000 troops in the field against us in ten days, exclusive of the garrisons of Antwerp and Bergen-op-Zoom, was so absurd as to throw discredit upon the whole intelligence. To the last, they never had near that number, including all garrisons, and every description of force. [Vide Quarter-Master-General's Journal.] With regard to the artificers, which this article rates at 5 or 6,000 men, armed and trained for the defence of Antwerp; there are different accounts. The intelligence before the secret Committee states that these artificers had gone to the Danube; and general Sontag, whilst commanding at Middleburg, received, from respectable authority, a corroboration of this report; therefore, as there is so much contradiction upon that point, the most you can possibly allow is half of the number of artificers who are stated in the intelligence of the 8th to be at Antwerp. On the 10th, 25,000 French troops of the line were reported to be at Antwerp and in that neighbourhood; but this was evidently not true; because even to the last there was no such number, as appears by the statement laid before the lieutenant generals on the 27th of August.—The garrisons of Lillo and Liefkenshoeik were represented to consist, the former of 1,000 men, the latter 500: but sir John

Hope, who transmitted this report, says, he did not believe they were so strong.

The result of all the intelligence received by the army as laid before the council of war on the 27th of August, at Bathz, was, 4,000 men Bergen-op-Zoom, 2,000 Breda, 11,000 Antwerp, (including seamen and artificers,) 500 Tholen, 3,000 on the left bank of the Scheldt, 15,000 to oppose us in the field; Total 35,500.

From which number the quarter-master-general in his evidence, observes, you may reasonably deduct about 5,000 allowing for mistatements and exaggerations; and sir J. Hope, who long commanded the advanced corps, says, that he considered some parts of the intelligence which he received as erroneous and some exaggerated.

As to the article in the report of the secret Committee which states the enemy's force at 26,000 men on the 11th of August, at Breda, Bergen-op-Zoom, Antwerp, &c. and on the left bank of the Scheldt, but exclusive of Flushing, this was probably erroneous, because, up to the 27th, it appears there were only 30,000 men in all.

The quarter-master-general is certainly justified in making a deduction from the gross amount of force; because every body who has had experience in those matters knows how difficult it is to obtain accurate reports in the field of the enemy's numbers, and how subject the informants generally are to misstatement; nor could any person be so competent to form a judgment upon what parts were to be credited and what rejected of the intelligence contained in the journal as the quarter-master-general, through whom the whole passed, and who had daily opportunities of collating and duly appreciating the various accounts received.

The only part of the government intelligence which appears not to have been corroborated by that subsequently received at the army, was relative to the enemy's force at Cadsand. This certainly seems to have proved greater than was expected; not however, the first day of our arrival. But very soon afterwards troops who had made one or two marches on their way to the Danube changed their direction, and arrived in that island. It was these troops who got over to Flushing, and increased that garrison from about 3,500 men, at which the government intelligence had rated it, to about 8,000.

But even supposing the information to have been inaccurate in that particular, I cannot impute blame to the government, when the extreme difficulty is considered of procuring perfectly exact intelligence in almost any case.—When the late lord Chatham, one of the greatest ministers the world ever saw, sent out the expedition to Rochefort, the intelligence upon which he proceeded purported, amongst other things, that the ditch was dry, and it was found to be wet.

The composition of the enemy's force as well as their numbers must be taken into consideration, in order to form a just estimate of his means of resistance. Now certainly, with the exception of the 8,000 men in Flushing, (1,200 of whom only were armed burghers, the rest good troops,) it does not appear that there were in all to oppose us above two or three effective French regiments of the line; there were also some regular Dutch regiments, and the rest of the force was made up of depôt battalions, which, as every body knows, are composed of the most unserviceable part of the regiments they belong to; of raw conscripts, some parts of the crews of the ships; some artificers and armed custom-house officers; in short, a description of force altogether not in the least formidable to any regular troops, much less to British.

Whatever trifling variations may have appeared between the intelligence received by government and that received by the army, one thing is very certain, namely, that at the latest period the enemy had not collected more than about 30,000 men, including all their garrisons and posts of every description, reckoning too in that number such parts of the crews as were available for the defence of Antwerp, and the artificers in that place; and it never can be argued that the enemy might have had at some periods of the operation a greater force than this, because it must be conceded at least that he certainly never would have withdrawn any troops from the points of our attack.

There is no going into a reasoning upon what the enemy might or ought to have done as soon as he determined to make the Scheldt a naval station. Taking things as we found them, it is evident that he had been extremely neglectful of most means of defence. Such was the representation made to government which combined with the many important considerations that I have before alluded to, determined them to send the Expedition to the Scheldt; and undoubtedly nothing that occurred during its progress at all militated against the greatest probability of success, if the originally projected plan could have been carried into execution.

Before we proceed to examine the intended operation, I must beg leave to make a few observations upon the opinions of sir John Hope and sir William Erskine, which are considered by the noble lord who opened this debate, and and by the right hon. gent. who spoke last, as decisive against the practicability of the undertaking.

No man living can have a higher respect and consideration for that most distinguished and excellent officer, sir John Hope, than I unfeignedly entertain. But I am persuaded, that if he had considered the operation against Antwerp more in detail, his opinion would not have been so unfavourable.

Sir John Hope seems to have thought Antwerp a more formidable place than there is any reason to suppose it was. Having adopted that opinion, not commanding the army himself, and not being in possession of all the information received at the head quarters and by the government, it was not likely that he should turn his thoughts to the details of the different attacks which might be undertaken. If he had done so, I have no doubt that his energetic mind, acting upon his extensive military knowledge and experience, would have suggested to him the great probability of success in the enterprise. But sir John Hope says distinctly, that he thinks you might have landed at Sandfleet and proceeded to Antwerp, if you had been in a situation to do so before the army became unserviceable from sickness, and he no where says that a regular siege was indispensable; only that he thinks Antwerp could at no time have been taken without bringing heavy artillery before it, and opening trenches. It is a mistake, however, to suppose that heavy artillery and trenches necessarily imply a regular siege in all its forms, as I shall very plainly shew when we come to the particulars of the intended operation.

Sir William Erskine does certainly seem to have formed a very erroneous conception indeed of the manner in which we should have been under the necessity of conducting our operations in the Upper Scheldt, and rates much higher than he could possibly be justified by circumstances in doing the resistance we might expect.

Before I proceed any further I must beg leave to say, that I have a very sincere personal friendship and regard for sir W. Erskine, both on his own account, and on that of his gallant father, under whom I served much, and with whose friendship I was particularly honoured, and I give him ample credit for a great deal of cleverness. But here we come to a fair discussion of our military opinions, as if we were met in a council of war, where difference is of course admissible, it being intended to find in the collision of sentiments a true result.

The opening three parallels against Antwerp, as if it were Lisle or Valenciennes, I must own, seems to me to be quite out of the question. Sir William Erskine allows twenty days for the preparations, and twenty-one days open trenches before the town of Antwerp, though the garrison was of such a description that it could not possibly venture to make a sally, or even to occupy the outworks if there had been any in a state of defence, (which I very much doubt,) and though it appears that there was no covered way, nor a glacis in proper preservation. The citadel of Antwerp, which is much stronger than the town, was taken in the year 1746, by count Clermont, after five days open trenches.

Sir William Erskine says it would have required twenty days open trenches to take Lillo; whereas, in the year 1747 it was taken in four days by Marshal Loewendhal, though the attack was carried on by zig-zag upon a dyke, and only one battery employed, consisting of four cannon, two mortars, and three howitzers. We should of course have proceeded in the same manner; and why we should be twenty days in accomplishing what was effected in four days in the year 1747 I cannot understand.

In examining the plan of attack as projected by our government, I shall confine myself strictly to the circumstances as they arose, because to them that plan in its execution must necessarily have been adapted. I beg therefore that what I am going to say may be rigidly tried by those circumstances, and by the detailed intelligence of which the House is in possession.

The noble lord termed all views of operations beyond what actually took place, visionary and idle speculations; but I must beg to observe, that whatever is founded upon the certain data of accurate intelligence, of circumstances that did arise, and of the evidence of able and scientific professional men employed upon the Expedition, by no means deserves that character.

The plan projected by government consisted of two parts—the reduction of the island of Walcheren, including the fortress of Flushing; and the destruction of the enemy's naval establishments in the Scheldt, together with as large a proportion of the fleet as might be possible.

The force intended for these objects was separated into two distinct corps, the one intended for the descent upon Walcheren, the other to proceed at once up the West Scheldt, excepting one division of it under sir John Hope, which was to go round to the East Scheldt, and land upon the north of South Beveland, for the purpose of taking possession of that island in such a manner as to prevent the enemy from withdrawing any part of its resources.

As the two operations were so closely connected; as the first point of attack lay upon your way to the second; and as it was necessary to reduce Walcheren and Flushing for the security of your retreat, it became a matter of indispensable prudence to allot such a force for the first object as would prevent a possibility of check or failure, in case the enemy should prove stronger than you had reason to suppose; therefore 13,000 men were placed under the command of sir Eyre Coote for the attack of Walcheren, though it was clearly foreseen that if the enemy should prove no stronger in that point than was reported, viz. from 3,000 to 4,000 men, full half of this corps might safely be employed in the Upper Scheldt, still leaving a sufficient force for the siege of Flushing.

The right wing of the army, which was destined to go immediately through the Weiling channel up the West Scheldt, was preceded by lord Huntley's division as the advanced guard; part of this division was to destroy the batteries of Cadsand, which commanded the navigation of the Weiling channel, and part to make a diversion to the West of Flushing in order to favour the operations against Walcheren.

It has been objected, by the noble lord and by the right hon. gent. who spoke last, that the general disposition of the army, and the instructions given to lord Huntley, were subversive of that celerity in the execution of the ulterior operations upon which their success, it is argued, so much depended, and that they militated against the main principle of carrying as much force as possible to the upper Scheldt.

In the disposition of the army previous to sailing, it is said, "so soon as the investment of Flushing is completed, &c. South Beveland in possession, and the destruction of the batteries on the south-side of it effected, the navigation of the West Scheldt will be opened in such a manner as to enable the armament to proceed to its ultimate object;" and in lord Huntley's instructions he is directed "to make a diversion with part of his corps to the westward of Flushing, and also to occupy Cadsand, as long as Flushing holds out."

It is urged then, that if the progress of the armament up the West Scheldt was to depend upon the completion of the investment of Flushing, and that if lord Huntley's division, which was to form a part of the corps destined to land at Sandfleet, was to retain possession of Cadsand till Flushing surrendered, the assertion, that the landing at Sandfleet of the whole of the troops intended for that service, might have been possible upon the first, second, and third of August, is quite inaccurate, and instead of a rapid operation up the Scheldt, it must necessarily become a slow one.

The division of lord Huntley's corps is likewise objected to, and his being instructed to make a regular report to lord Chatham of his proceedings at Cadsand, as necessarily occasioning delay.

And it is further remarked, that you cannot recollect from the written dispositions laid before the House by the quarter-master-general, that any part of sir Eyre Coote's corps was to be withdrawn from Walcheren before the fall of Flushing.

The previous dispositions could in prudence only have been made in contemplation of the possibility of finding the enemy much stronger upon the island of Walcheren than was expected; therefore, so large a corps was destined for that service in the first instance, and a diversion combined with the operations of that corps by a part of the force under lord Huntley. This was taking every precaution against failure or check; and as to the occupation of Cadsand during the siege of Flushing, it was not possible to determine till you arrived there whether that would or would not be necessary.

If, upon arrival in the mouth of the Scheldt we should find that the enemy were not strong in Walcheren, and that it would not be necessary to occupy Cadsand during the siege of Flushing by any thing more than a detachment from the Walcheren corps and the marines of the fleet, if at all, then of course the original disposition would be varied from accordingly, and a large part of sir Eyre Coote's force as well as all lord Huntley's taken at once up the Scheldt.

With respect to lord Huntley's reporting to lord Chatham, that would have been attended with no delay whatever, because the principal landing upon the island of Walcheren was intended to be made on the south-west side, in Zoutland Bay, and the commander in chief would of course be on board a ship of war in the mouth of the Scheldt, consequently very distant from Cadsand.

I must here remark upon the unjust and ill-founded accusations against lord Chatham for having gone upon the Expedition to the Scheldt without previously conceiving or digesting any plan of operations, that there is now before the House, delivered in by the quarter-master general, bearing date July 1809, a general Disposition for the proceedings of the army under lord Chatham's command; such alone as make out previous to sailing.

This Disposition involves all the main points and considerations. The last paragraph very justly and distinctly states, that it is an outline, founded upon the best information which could then be obtained, liable of course to such future alterations as more correct intelligence, more accurate knowledge of the enemy's positions and force, and the occurrence of such circumstances as might arise in the progress of the execution, should render necessary.

What more can be done upon similar occasions? Even if you are actually marching to the attack of an enemy's position, you can seldom do more than make a general previous arrangement, which must be varied on the spot according to circumstances.—I trust, therefore, that the conduct of the commander of the Expedition to the Scheldt will no longer be represented as improvident, when it is so evident that such representations are entirely without foundation.

It has been supposed that the reduction of Flushing was not essential, and that the armament might have proceeded up the Scheldt only masking that place; but the possession of Flushing was considered by the navy as indispensable to the safety of that part of the fleet which was committed in the Upper Scheldt, therefore it became necessary to form the siege.

All the naval authorities concur in opinion, that the armament, wind and weather favourable, might have reached Sandfleet in four days from the Downs, including the destruction of the batteries of Cadsand by the advanced guard, and marking the navigation of the Scheldt by means of a squadron of pilotage which was to have preceded the fleet, and which would have performed the operation of sufficiently buoying the channel without retarding the progress of the Expedition. As the channel was to be thus marked, very few pilots would have been necessary.

The commander in chief proceeding with the advanced division of the army, would of course always have found himself at hand to adapt his measures to circumstances as they arose.—The intention was, as I have before observed, to proceed at once into the Weiling channel with that part of the armament destined for the Upper Scheldt. If the wind and weather would have permitted your doing so, lord Huntley would have had plenty of boats to effect a landing with sufficient force on Cadsand. The batteries there would have been immediately destroyed, as well as any naval means the enemy might have collected for the purpose of passing over reinforcements to Flushing. I am perfectly persuaded that nothing but the want of means to land a sufficient force at once would have prevented that excellent officer, lord Huntley, whose intelligence, whose vigour, and intrepidity are so well known to the whole army, from executing in the most perfect manner the service allotted to him.

In the above supposition of a favourable state of wind and weather, upon which you had every reason to reckon, the landing upon the island of Walcheren would have taken place in Zoutland bay, at the same time with that upon Cadsand.

The communication between Cadsand and Flushing being completely intercepted, and the island of Walcheren of course left to its own particular strength, namely, from 3 to 4,000 men as originally stated in the government intelligence, the commander in chief would have seen that he could safely take from sir Eyre Coote's force at least 6,000 men: these, already embarked in ships of war, he would at once have determined to employ in the ulterior operation; and if it were judged necessary to occupy Cadsand until Flushing should fall, (which, however, seems doubtful,) he would have ordered a part of sir Eyre Coote's troops jointly with the marines of the fleet to perform that service, thus setting the whole of lord Huntley's division at liberty.

It must not be objected, that the enemy might afterwards have come in superior force, driven you out of Cadsand, and re-established the batteries there.

In the first place, when they saw our armament advancing up the Scheldt, of course their whole attention would be drawn to those points of attack where alone they could hope to make any effectual resistance; and as to the Weiling passage, I do not apprehend that it was of such very material importance to us after we had gone through; but, whether that were the case or not, it would certainly take some time to re-establish the batteries which we had destroyed, and furnish them with ordnance of a proper calibre which must be brought from a distance. With respect to their throwing over troops from Cadsand to Flushing, they would first have to collect fresh naval means for that purpose, and I should conceive that having passed into the Scheldt we must always have had it in our power to intercept that communication. These considerations lead me to suppose, that we should probably not have found it necessary to retain possession of Cadsand, even during the siege of Flushing. This, however, must have depended upon circumstances, and could only be decided on the spot. Cadsand taken, and half of the Walcheren corps withdrawn, or more probably not landed there at all, the Expedition would have proceeded towards Sandfleet.

The next difficulty, about which so much has been said on the other side of the House, are the batteries on South Beveland. It is argued, that the battery of Borslen and that of Warden were not in possession of sir John Hope's corps till the 1st of August, and the fort of Batz not till the morning of the 2d, therefore the first division of the army could not possibly have arrived at Sandfleet on the 1st of August, as its progress must necessarily be impeded by those obstructions. But really to talk of the Borslen and Warden batteries as obstructions, is quite ridiculous, for 2 or 300 men of the advanced corps would have taken them in an hour or two; and though sir John Hope says, that with the means he had, viz. no artillery heavier than 6 pounders, the fort of Batz might, if well defended, have held out for some days, yet with the means our advanced corps possessed it must have fallen directly. Sir John Hope observes, that against the necessary means, alluding of course to a few heavy guns and some howitzers, Batz could not have held out more than a few hours. In point of fact, it surrendered as soon as it was summoned. I consider, therefore, that even if the armament had gone up the Scheldt previous to the occupation of South Beveland by sir John Hope, the batteries upon that island would have been no obstruction to its progress.

Having arrived in the Upper Scheldt, I conclude that lord Chatham would have determined upon attacking Liefkenshoeik and Lillo, whilst that part of the army destined to act immediately against Antwerp was disembarking at Sandfleet. I am borne out in this conclusion by the general Disposition made out by lord Chatham previous to the sailing of the expedition, which Disposition lies now on the table.

Liefkenshoeik is not near so strong as Lillo, nor has it any casemates; therefore as the latter, in 1747, fell in four days, it is fair to presume that the former would have been taken in three.

After leaving about 5 or 600 men in Liefkenshoeik the same corps would have attacked Lillo; and allowing four days for the reduction of that fort, and three days over for landing and other delays, I think there is no doubt of our being in possession of those two places in ten days from our first arrival off Batz.

Two thousand troops, and a body of seamen, with ship guns, some howitzers, and vigorous naval co-operation, would, I think, have been completely sufficient for this service. If however any reinforcement should be required, it would have been close at hand.

It cannot be urged against this calculation of time, that when Lillo fell in four days it was closely invested, and that now it would not have been so: Liefkenshoeik being taken first, the communication between the left bank of the Scheldt and Lillo would become intercepted before the attack of that place began; and with respect to reinforcements from Antwerp, as our army would have been proceeding at the same time to the attack of that city, of course no man could have been spared from its defence, more especially as at best its garrison was so inadequate.

Whilst this operation was going on against Liefkenshoeik and Lillo, the disembarkation of the army would have taken place near Sandfleet; and, judging from circumstances as they were actually found, by which alone all military operations must be governed, and founding myself upon the spirit of lord Chatham's general Disposition for the attack of the enemy's establishments in the Scheldt, to which I have before alluded, as also upon the evidence of the quarter-master general of the army, and the commanding officers of the artillery and engineers, I presume that the operation from Sandfleet would have been conducted in the following manner.

In the first place we must enumerate the force which we should have had in the Upper Scheldt, supposing the armament to have proceeded according to the originally projected plan of operations, and that we had gone at once up the Weiling channel.

As the army was embarked in the most effective state possible, I suppose you might have reckoned upon 36,000 troops in the field; 6,000 of these, or at most seven, would have been left for the reduction of Flushing: 2,000 at most, and probably I think not so many, upon South Beveland; 2,000 employed in the reduction of Liefkenshoeik and Lillo, half of which would probably have been sufficient to garrison those places after they were captured. Lillo being attacked, 5,000 would have been found ample to oppose Bergen-op-Zoom, &c. which would have left above 20,000 men to proceed directly against Antwerp, with a considerable corps of seamen. Whatever credit is given to the enemy for the number of seamen they might have employed on shore, we must of course take credit to ourselves for at least triple that number, our naval means were so very superior to theirs.

If upon landing at Sandfleet the intelligence had proved favourable to such an undertaking, the assault of Antwerp would have been attempted. The army was provided with scaling ladders, and every thing necessary for such an operation. I do not mean to dwell upon this as by any means certain; but the intelligence which government were in possession of justified their looking to such an event as possible, and if we had arrived at Sandfleet at as early a period as we might have done if the armament could have been carried at once through the Weiling channel, namely the 1st, 2d, and 3d of August, I think it by no means improbable. There is every reason to suppose, that at that period the works of Antwerp were in a very defective state, the ditch much encumbered, the garrison extremely weak, and being composed of such a motley crew as artificers, armed excise officers, parts of the ships crews, one or two depôt battalions, and scarcely any thing like troops, it could of course not have that solidity, and discipline, and unity of action, and prompt obedience, which are indispensably necessary to the defence of a place upon such occasions. The works of Antwerp are very extensive, and being much out of repair, and with a garrison so weak as it was at that time and so composed, it is not probable they could have been defended against our assault.

However, looking to the certain reduction of Antwerp by another mode, we should naturally not have attempted the assault, unless circumstances made it quite advisable to do so. But we should have resorted to a species of attack, which, though consisting of approaches and heavy batteries, falls short of a regular siege in form, and is a more active and rapid operation.

We had with us thirty mortars and howitzers, and twelve twenty-four pounders upon travelling carriages, with plenty of ammunition, abundance of engineering tools and stores, and every material requisite for constructing batteries and carrying on operations of this description.

The landing of the army at Sandfleet might have been completed in three days at most; the disembarkation of the heavy artillery would have commenced on the fourth day, and have been completed on the fifth; the chief engineer would have proceeded with the advanced corps of the army to the neighbourhood of Antwerp upon the second day of the disembarkation: that advanced corps having disembarked on the first day, and moved a certain distance into the country; or it might perhaps have been the third day before he got near enough to reconnoitre the place; two days would have been quite sufficient for this purpose. In the mean time the army would have been taking up the necessary positions for covering the approaches against Antwerp, and for preventing any reinforcements entering that place from the right bank of the Scheldt; and all the tools and materials belonging to the engineering department would have been bringing forward.

Eight thousand men, with the seamen, would have been ample for carrying on the approaches, and at least 12,000 would have remained to cover them, acting in close connection with the corps opposed towards Bergen-op-Zoom.

The place of disembarkation at Sandfleet would be much secured by the occupation of Lillo; and I have no doubt that it would have been found possible to employ half of the 2,000 men, destined for South Beveland, for the service of convoys from Sandfleet if that were necessary.

On the sixth day the engineer would have broken ground, and by the ninth evening he would have batteries ready for thirty pieces of bombarding artillery, within 5 or 600 yards of the town; by which time the commanding officer of artillery, would have that number up, and ready to place in battery; so that the bombardment might have begun upon the morning of the tenth day from the commencement of the disembarkation at Sandfleet, and by this same day Liefkenshoeik and Lillo would have been in our possession; of course the Upper Scheldt opened to the co-operation and enterprize of the navy.

The effect of this combination being evidently the certain capture of Antwerp, I think it probable that the garrison would then have withdrawn to the citadel, and that the town would have been delivered into our hands. But I conclude we should not have delayed one single moment carrying on further approaches from the line upon which our first batteries were established.

In five days more we might have worked on so as to have established our twelve four-and-twenty pounders in breaching battery upon the crest of the glacis, supported by two enfilading batteries composed of guns from the ships.

The effect of the establishment of these batteries, combined with five days of such a severe bombardment, even without naval co-operation, but more especially with it, must have produced the surrender of Antwerp, the garrison having previously withdrawn to the citadel.

Thus, at all events, on the fifteenth day after the disembarkation of the first division of the army at Sandfleet, you would have been certain of getting possession of the town.

When the citadel of Antwerp was taken, after five days open trenches, in 1746, it surrendered, though defended by a competent garrison of regular troops, as soon as breaching batteries were established, before they had fired a single shot; and when Valenciennes, that excellent fortress of the first order, defended with the greatest perseverance and energy, was taken by the duke of York, in 1793, after a most vigorous and ably-conducted siege, we had not begun to batter in breach. There are various other instances of a similar description. You may fairly conclude, therefore, that a place like Antwerp would not have held out any longer, for even if you set quite out of the question the influence of 60,000 inhabitants upon such a motley and insufficient garrison, which however experience will not justify you in doing, by forming breaching batteries you would have established a sufficient military reason for withdrawing the garrison to the citadel.

A few days possession of the town would have been quite sufficient for the destruction of the enemy's naval arsenal, and the nine or ten sail of the line that were on the slips.

The objection that, because the naval arsenal was commanded by the guns of the citadel, the destruction of it would have been impossible without the previous capture of the latter, I must say appears to me quite unfounded.

The naval arsenal and docks absolutely form part of the town, many of the houses having been pulled down to make room for a part of that establishment, and it is separated only from the buildings of the town by a common brick wall, for the purpose of securing it against depredations; the whole, too, of this naval arsenal, &c. is combustible, the ships and their slips of course so.

Can any person suppose, therefore, that our troops and sailors in two or three nights, assisted by the fire of our mortars and howitzers in the day time, would not have completely burnt the whole establishment, slips, &c.?

The enemy could only oppose to you the fire of such guns of the citadel as bore upon the arsenal, which fire in the night must have been very uncertain, and the different buildings and piles of timber, &c. would have afforded those employed upon this service much cover and protection. As to sallying from the citadel, they never dare have done that, when we had so very superior a force immediately at hand ready to follow them into the place, I do not mean to say that this destruction could have been effected without loss; but, that it would have been the consequence of our remaining three days in possession of the town of Antwerp, I have not the most distant doubt.

As the citadel of Antwerp fell in 1746 after five days open trenches, I do not see any reason why we might not have taken it, if we had arrrived before Antwerp at an early period, which there was every reasonable probability of our doing. The capture of the citadel would have rendered the destruction of the fleet afloat nearly certain; which, however, might possibly have been effected without.

It has been attempted to confine the probability of success in the attainment of the ultimate object, to the disembarkation of the armament at Sandfleet, on the 1st, 2d, and 3d of August; and it is argued, that as this was the soonest possible period at which that disembarkation could have taken place, it was unwise, and unjustifiable to engage in an enterprize to the success of which extreme celerity was so indispensable, that if you did not arrive on the earliest possible day, supposing every circumstance to favour you from the time of your departure, failure was the necessary consequence.

How could you be justified, says the noble lord, and the right hon. gent. who just spoke, in forming hopes of such mathematical precision in the execution of your plan, when you had the uncertainty of the elements to contend with, and an intricate navigation to perform?

Now, in the first place, you had every reason to suppose, from the best information which could be obtained on the subject, that the wind and weather at that season would have favoured you, and you have the best naval authorities for the practicability of carrying the whole armament from the Downs to Sandfleet in four days.

But I beg leave to take greater latitude, and to insist that your success by no means depended upon your disembarkation at that very early period. All the intelligence received at the army of the enemy's force and preparation, bears me out in asserting, that even if you had not established your breaching batteries upon the glacis at Antwerp before the latter end of August, your operations could not have been interrupted, and the place must have fallen.

What force had the enemy at last in the field to oppose us? Was it, in point of number or composition, at all able to have done so with effect? and must not much of it have been defeated and dispersed, before it could have collected into one body, if we had landed in any reasonable time? But even supposing all assembled to meet us that was represented to be in the field on the 27th of August, looking at its numbers and composition, would not two divisions of our army have been quite sufficient for its complete defeat and dispersion? There were very few troops of the line, even to the last; two or three French regiments of that description, and a few Dutch; the rest of the force was made up of depôt battalions, volunteers, national guards, raw conscripts, &c. I trust, therefore, it will be no longer argued, that unless we had arrived at a very early period in August success would have been impossible. So far from that being the case, I must repeat, that it is my decided conviction, if we had not established ourselves upon the glacis at Antwerp till the end of August, nothing could have prevented our doing so then, and the success of the enterprise would have been certain, even if Antwerp had not, contrary to all rational supposition, surrendered itself upon the commencement of our bombardment combined with naval co-operation.

The vicinity of a number of fortresses is objected against the probability of success in our operations against Antwerp, and against the safety of our retreat.—But the fortresses themselves could be no impediment—that must have arisen alone from their garrisons. All that could be drawn from the more distant ones had of course arrived before the 27th of August. The garrison of Breda had it attempted to approach our army whilst engaged in the attack of Antwerp, would have been trampled into the dust; and the garrison of Bergen-op-Zoom, taking its numbers at the highest they ever were, certainly dare not commit itself four miles from the place; for if defeated in the field, as they undoubtedly would have been, we should have followed them into their fortress, and taken Bergen-op-Zoom as well as Antwerp.

If a garrison ventures any distance from its fortress, and sustains a complete defeat, it is either liable to be cut off, in which case the place of course is left in a defenceless state; or the enemy, by a close pursuit, and by absolutely mixing with the fugitives, enters the town with them. Judging then from every thing we have before us, if the wind and weather had permitted the execution of the originally projected plan of operation, I see nothing to have prevented our success, and nothing to have endangered our retreat.

When the commanding officers of artillery and engineers stated in their evidence, that they reckoned upon no enemy to obstruct them in getting forward their artillery and stores, they meant only that they expected to receive that complete degree of security and protection, which a covering army is always supposed to afford upon such occasions.

Our approaches would have been carried on without any possibility of interruption from the garrison, that being of such a description as not to admit of its risking to occupy the outworks, or the covered way if there had been one; and of course, it never could have sallied from the gates, certain as it must have been of complete defeat, and consequently apprehensive that we should have followed it into the place.

In the whole of this operation I have not taken credit for any advantage of ground, which however is said to be favourable to our approaches; nor of those large stone suburbs which could not have been effectually destroyed, and which by affording us much shelter and protection would have greatly facilitated our attack. Look to the evidence of general Brownrigg, who possesses more local knowledge of Antwerp and its vicinity than any other evidence, from having been deputy quarter-master-general to our army in 1794, and at one time whilst in that situation cantoned in the suburbs of Antwerp. It is peculiarly the business of the quarter-master-general of an army and his deputy, to make themselves accurately acquainted with all the details of the country in which the army acts.

I have supposed no favourable circumstance whatever, excepting what is positively proved, namely the absence of a sufficient force to obstruct our proceedings; and it is of course understood that the front of the place against which our approaches would have been directed could not be inundated. The ground there is much higher than the level of the river, and the inundation of it would have been impracticable. If we had arrived in the neighbourhood of Antwerp before the 10th of August, which is certainly allowing much for delays and unforeseen obstacles, we should have found the ditch not yet prepared to receive the water, because it appears they had not cleared it till the 10th; and even after that period, by getting possession of the sluice at the Breda gate, we might probably have laid dry the part upon the front which we attacked. However I have put these chances also out of the question, and I have allowed for as much impediment from unforeseen circumstances as the least sanguine person could possibly calculate upon.

I have given up all possibilities and all probabilities, and I have confined myself to what I am borne out, by the circumstances which actually did occur, in considering as certain, as far as it is possible for any operation whatever to be so pronounced. The whole of my observations upon the method of conducting this enterprise to a favourable issue, are founded upon the plan originally projected, and upon the general Disposition made out by the commander in chief of the Expedition, and upon the evident adaptation of those to the circumstances as they arose. Trying what I have said by these circumstances, and by the intelligence received, which is now before the House, I will defy any person to disprove the very great probability of success. Therefore I consider the expediency of the project completely established, and that the government were thoroughly justified in adopting those measures which, upon thorough reflection, the general policy of the moment so clearly dictated.

It will here be asked, no doubt, if the whole of this operation was so very practicable, what occasioned its failure? I answer, a state of wind and weather most unusual at that season having prevented any of the armament from going up the Weiling Channel, as originally projected, excepting a part of Lord Huntley's division, and necessitated the taking the rest of the armament into the Roompot.

Lord Huntley, in consequence of this, arrived off Cadsand without means sufficient to land his troops; he therefore had it not in his power to destroy the batteries there. The communication between Cadsand and Flushing not being cut off, the enemy found means to throw over such reinforcements, as made that garrison amount to 8,000 men: this occasioned the employment of the whole of sir Eyre Coote's force against Flushing, and very much protracted the siege. And the Slough Passage, through which it was attempted, as a last resource, to carry the armament into the West Scheldt, was found to be impracticable for that purpose, without a delay which must be destructive of all hopes of success. Therefore, notwithstanding the utmost exertions, it certainly does not appear, that from the moment the armament went into the Roompot, there were scarcely the most distant hopes of success beyond the capture of Flushing; and what faint hopes there might have been were completely extinguished by the sickness which attacked the army in South Beveland. This rendered all further exertions impossible.

The project of disembarking the cavalry and the field artillery in the Slough Passage upon South Beveland, and marching the army along that island to Batz, there to re-embark and pass over to Sandfleet, the ordnance transports, flotilla, &c. going at the same time through the Slough into the West Scheldt, and up that river to Batz, was completely impracticable with a view to effect any useful purpose. The ordnance transports, having all our heavy artillery and stores on board, did not reach Batz till the 24th or 25th of August; and you have the opinions of lord Roslyn, Sir John Hope, general Brownrigg, and general Macleod, against such a method of proceeding.

Viewing the circumstances then in every possible point of view, and after the most elaborate investigation of the subject, I do not in the least hesitate to state my decided opinion that no man living at the head of that army could, under all the circumstances of the case, have done more than was done by lord Chatham.—He seems to have made every arrangement that the nature of the service would admit of his making previous to his departure, and subsequently to have done his utmost to ensure final success.

Upon general Brownrigg's excellent evidence it has been observed, that in some respects he is at variance with his own journal, and inaccuracy is attributed to him. But these observations are completely unfounded, and arise partly from misconception on the part of those who make them, and partly from a natural desire to diminish the force of an evidence which makes so much against the case that they wish to establish.—General Brownrigg is one of the most honourable and most respectable men living; of remarkably good judgment and abilities; and an excellent officer, of much experience. I have been with him often upon service, and as well as his great personal gallantry, I always admired his particular coolness and readiness in the field. His energy too is very superior and his activity indefatigable. He was much in the confidence of the immortal sir Ralph Abercrombie, who had the highest opinion of him as an officer, which he has often expressed to me in the strongest terms.—Gen. Brownrigg's management, under the immediate direction of the duke of York, of the Commander in Chief's office in England, during the first eight years of his royal highness's command of the army, the admirable regulations, and just, impartial conduct of which were so much admired last year, did as great credit to his feelings, to his capacity, and unremitting zeal and assiduity, as to those of his royal master.—I beg pardon of the House for this intrusion, but I really could not pass over the slightest insinuation against gen. Brownrigg without saying of him what I know; though I am quite aware that such insinuation arose solely out of an argument upon the evidence, without the smallest intention of any thing personal.

I now come to a part of the subject that it is impossible to advert to without the most poignant regret, I mean the sickness which visited our brave troops to so calamitous an extent. No man of any feeling but his heart must bleed in contemplation of such scenes of misery: no person can more sincerely deplore them than I do—no man can feel for a soldier's sufferings more acutely—nor did I ever, or ever should I think any exertion or sacrifice of my own too great to avert them. At the same time, though impressed with these sentiments to the utmost possible extent, I must strenuously repel all accusations against his Majesty's government on this subject.

It appears in evidence before the House, that when the army sailed from this country it had an ample provision of medicines, and medical stores of all sorts, for six months; so that if half the troops had fallen ill the very day of landing, there would have been sufficient medicines of all kinds, including bark, for at least five weeks.

Every regimental hospital was complete in stores and hospital bedding; besides which, there were 3,000 sets of hospital bedding for the general hospital, and great quantities in the quarter-master-general's store, from whence supplies might be drawn when necessary.—There was a full establishment of medical officers attendant upon the army; and hospitals established in England for the reception of 5,500 sick and wounded men—orders were also given for sending home the sick and wounded as expeditiously as it was possible to do so.—The distance being so short, and the communication so easy, it was of course concluded, that any additional supplies might be forwarded before they could possibly be required.

If the original plan had been carried into execution, the sickness of the army would not have been nearly so great. The country near Antwerp, which in that case would have become the principal theatre of our operations, is extremely healthy. The only part of our force then which would have been exposed to the effects of the unhealthy season of Zealand, was that part destined to occupy Walcheren.

As soon as the necessity was known in this country, the utmost exertion was made by the government, and the Commander in Chief at home, to supply the wants of the army in every way. The first letter upon this subject was received by the secretary of state for the war department upon the second of September; and upon the fifth it was reported to him, that all the medical men required in that letter, as well as the medicines, and stores, and medical comforts, were ready and ordered off.

The noble lord who began this debate has deprecated the delays which, he says, arose from too scrupulous an attention to the forms of office under circumstances of such urgency; but the noble lord does not recollect that these offices are all within a short distance of each other, and that the necessary forms therefore might be gone through in a few hours. I perfectly agree in opinion that forms of office may be much too dilatory and multiplied. But certain forms are indispensable to avoid confusion, which must always be subversive of dispatch; and, at all events, till existing forms are altered they must be observed.

In point of fact, no inconvenience was ever experienced from want of medicines or medical comforts; no actual want ever existed. This you have from sir Eyre Coote in evidence; and he states that his urgent representations to the government on these subjects arose from an anxious desire to obviate that inconvenience. A convincing proof too that our supplies of bark were never exhausted is, that no application was at any time made to the navy for any part of their supply, which was ample.—There does appear indeed to have been a delay in forwarding one package of 1,000lbs. of bark from this country. Whence that delay arose is not made out; but one thing is very certain, that there was never any want of bark in our hospitals.—The most ample supplies of bedding were sent out as expeditiously as possible, in addition to the great provision originally made; and it stands in evidence before the House, that at no time the sick with the army exceeded the number of hospital beds.

The sickness was much beyond what could have been calculated upon by those most experienced in the effects of that climate. This appears upon the quarter-master general's journal. From a sickness so rapidly increasing, and so unexpectedly extensive, confusion must have been occasioned at first. Immediately entering upon active operations without previous possession of the country, you cannot at once have all your hospitals perfectly arranged; nay, even when they are so, and you have a great many more men wounded in a battle than you had reason to expect, much temporary inconvenience occurs. There is some analogy between this circumstance and the sudden manner in which the sickness attacked our troops in Zealand. I can readily conceive, therefore, that though our supplies of bedding with the army were fully sufficient, it might have been some time before the hospitals could be properly furnished.

Medical men were certainly at times much wanted. The original number sent out, however, was a full proportion of such a force, and very large augmentations of that number were subsequently made; in short, as many were sent out as could possibly be procured—that likewise stands in evidence before the House. But the dearth of medical assistance upon such calamitous occasions is by no means a new case. It frequently happens in the West Indies, when the epidemics incident to that climate rage with violence.

The surgeon-general of the forces, and the inspector-general of hospitals with lord Chatham's army, have stated in evidence, that if the necessary precautions had been taken, the effects might have been considerably palliated though the disorder itself could not have been prevented; and that if they had been consulted in time they should have suggested those precautions. Now really it has never been usual for the government of a country to impart to the medical department the destination of an expedition, excepting in cases of extreme necessity. If an expedition were going to a great distance, then such necessity might perhaps arise. But in the present instance that was not the case, and such communications, unless absolutely called for, are certainly acts of imprudence. I am far from meaning to dispute that our present surgeon-general, Mr. Keate, is a man of strict integrity and well deserving of confidence, but unnecessary disclosures are always to be avoided.

In point of fact, ample supplies of all medicines, stores, &c. either accompanied the army, or were sent out in time; and with regard to precautions, as the sickness did not begin till about four weeks after our first landing, there was full time to have taken them, had they been suggested. How came the medical department, the moment the destination of the troops was notorious, not to suggest those precautions? Was it their business to wait till regularly consulted upon the subject? Certainly not. It lay entirely within their province; and whilst these palliations must have occurred forcibly to them, the government at home and the Commander in Chief abroad could not be aware of them. Any thing necessary for this purpose could very soon have been sent to so short a distance; even 40,000 flannel waistcoats, had they been wanted, might have been made up in London upon an emergency in a week, and they would have arrived at Walcheren in a fortnight from the day they were ordered. That the necessary precautions, therefore, alluded to by the surgeon-general; Mr. Keate, and the inspector-general, Mr. Webb, were not taken, neither the government nor the commander in chief of the Expedition are in the least to blame.

I must not omit to observe, that it was expected by the government that the chief part of the army would have returned, after completing the service upon which it was sent, by the end of August, or beginning of September at latest.

Captain Puget, naval commissioner of Flushing, states, that he saw several of the sick in the hospitals there lying in their great coats on the floor, not having beds to lie upon: and that according to the reports of some officers many of them were without medicines for four days. He also describes the hospitals themselves to have been very bad.—Now, no hospitals were chosen till regularly inspected by medical officers; the roofs of some of them had been damaged by the bombardment, but it appears that they were repaired as soon as possible.—At times the hospitals were certainly much crowded, which is accounted for in evidence by the rapid influx of the sick. The large naval storehouse at Flushing, where capt. Puget saw some of the men whom he took to be sick, was not an hospital but a barrack, which at that time was of course unknown to him.—Colonel Offney, who was acting as quarter-master general in Flushing, and who often went into the hospitals there, states in evidence, that he never saw any sick who were not furnished at least with straw and blankets; that these were only the slightest cases; and that they were all provided with beds as soon as it was possible to get them from the stores.

With respect to some of the troops being without medicines for four days, it is clearly proved, that this was owing to the regimental surgeon of colonel Cochrane's battalion not making timely application for the necessary supply.

It is stated, that some ships which brought home the sick were too much crowded, and without medical attendance, or any proper assistance. If this was so it certainly was a very unpardonable neglect; but none of these circumstances necessarily imply an inculpation of the government, or the commander in chief of the Expedition. They can only be answerable for general arrangements and general directions; and if defects in the details are discovered, the blame must fall upon those who were specifically charged with their execution.

I cannot quit this subject without again most sincerely lamenting that such a calamity should have befallen us; but it is impossible, I think, after this investigation, to lay any part of it at the door of the government or the commander of the army. They appear to have done every thing that depended upon them to alleviate the sufferings of our brave troops, and this House and the country will, I trust, now do them justice.

I must beg leave to state a circumstance not immediately connected with the present discussion, but which materially concerns lord Chatham individually. It has been reported, that he came home in a line-of-battle ship, which ought to have been employed in conveying some of the sick from Flushing. If it had been so, he certainly would have been very reprehensible; but it appears in papers upon the table, that, previous to lord Chatham's sailing from Flushing, a positive order was given by the commander in chief of the fleet not to admit one sick man on board a ship of war for fear of the contagion; therefore this charge is completely unfounded, though certainly not more so than all the rest of the obloquy which has been so profusely heaped upon that noble lord.

The next point in this case is, the retention of the island of Walcheren.—Whether we succeeded in the destruction of the enemy's fleet in the Scheldt, and his naval establishments at Antwerp, or not, but particularly in the latter supposition, it behoved us to retain the island of Walcheren as long as it were possible to do so.—The extreme importance of that station, for the purpose of neutralizing the enemy's naval establishments in the Scheldt, has already been too clearly demonstrated to require any further observation. No man, I think, can doubt, after a mature investigation of the subject, that the island of Walcheren, with reference to the the invasion of this country, is next to Boulogne the most important post the enemy possesses.—Impressed with this conviction, the retention or evacuation of that island was one of the most serious questions upon which the government of this country could possibly deliberate. A determination of such magnitude, involving so many weighty considerations, could not be taken without the most mature reflection.

Sir Eyre Coote's letters representing the sickly state of that part of the army which occupied Walcheren, are dated the 31st of August, and the 14th and 17th of September. The two first, it is true, describe the sickness as alarming: but that of the 17th is by much the strongest, and the only one which could possibly justify a government in entertaining thoughts of relinquishing a post, so extremely essential to the vital interests of the nation.—This letter of the 17th was not sent from Walcheren, I conclude, on that day, because it contains an enclosure, dated the 18th, and it was not received here till the 20th or 21st.

From that period till the usual termination of the sickly season, viz. the middle or latter end of October (according to the authority of sir John Pringle, and of the most intelligent inhabitants of Zealand), there was literally not time to remove the sick, to destroy the basin of Flushing, and finally to evacuate the island. In point of fact, our preparations for that evacuation were made in the beginning of November, and they could not be completed till the 23d of December.

On the 13th of September too, just when sir Eyre Coote was making the representations to which I have before alluded, the commander in chief of the fleet, sir Richard Strachan, wrote a letter to the government, urging them in the most earnest manner not to abandon a naval station of such importance, till he should have an opportunity of personal communication with them; and he did not return to England till the 6th of October.

With such a letter from their naval commander, an eye-witness to those reasons which could alone determine the government to abandon Walcheren, and feeling as they must the extraordinary value of the possession, would not they have been highly blameable if they had hastily decided upon its relinquishment?

Most deeply as every person must deplore the dire effects which were experienced from that climate, (and no man can deplore them more seriously than I do,) I must remark, that you do not abandon all your unhealthy colonies because they are unhealthy; otherwise, you should withdraw at once from your possessions in the West Indies. This you cannot do, however you may feel for the mortality occasioned by the destructive epidemics in that quarter. During the administration of one of the greatest ministers we ever had, the late Mr. Pitt, we held St. Domingo long as a military station, under the pressure of similar calamities; and when Gibraltar was infected with a sort of plague, was it for that reason abandoned? On the contrary, did not the governor, general Fox, immdiately repair to his post; and were not reinforcements sent out without a moment's delay, lest the Spaniards should take advantage of the reduced state of our garrison? Let me ask, too, has it ever been established as a principle, that we should not conquer and retain important posts, because their climate is occasionally unwholesome? Until that principle is established, as one by which the government is to be regulated, let it not be argued that there is a difference between not abandoning possessions which you have long retained, and seizing upon others with a view to retention, and forming upon this argument an accusation against ministers for attempting to retain Walcheren.—In the year 1794 we had troops stationed a considerable time in the province of Zealand.—In the reign of Queen Elizabeth, this country retained the island of Walcheren, during a period of 30 years. The climate then was of course the same as now. And it has frequently been in the contemplation of different governments of this country, to acquire permanent possession of that island: the plan has been from time to time laid aside, not on account of the climate, but purely from military reasons: now, on this occasion those reasons were in our favour.

Had we not abandoned Walcheren, it might have been very easily defended; we should have strengthened and perfected the works of Flushing, and made proper casemates for the troops; we should have erected two strong forts of regular construction and profile, to protect the anchorage: these forts would have been connected with Flushing by a line also of regular construction and profile; the whole covered by a very deep and broad wet ditch. Such arrangements, combined with the means of inundation in your power, and considering that you are masters of the sea, would have rendered that situation impregnable. You would have had some strong forts, likewise of regular construction and profile, with casemates for the troops, and bomb-proof magazines, so placed as to prevent the enemy from collecting vessels in the interior of the Slough Passage, the extremities of which would be watched by your naval means; and the Slough is seldom or ever frozen in such a manner as to be available for military purposes. The enemy's attack of Walcheren, therefore, would have been nearly, if not quite, reduced to an invasion of that island upon the northern or north-western side; against which our naval station in the Roompot would have been a great protection: where, with Flushing harbour for the ships to come into occasionally, we could, I conclude, always have kept a fleet.

The best barracks would have been constructed for the troops; we should also have had floating barracks, in which a considerable part of the garrison might always have been kept during the unhealthy season; and it is well known, that no man afloat was attacked by the fever. We should likewise have had floating hospitals: and whenever the sick amounted to any considerable number, they would have been immediately sent to England. And the whole garrison might have been frequently relieved from this country.

The effects of the climate might thus have been in a great measure obviated; and when the fortifications which I have described were completed, the amount of force stationary on the island of Walcheren need not have been considerable, because if the enemy effected a landing in superior numbers, you could at once retire to your works and bid him defiance; his communication would probably soon be cut off by our naval means, and our troops could be reinforced from England to any extent. The enemy therefore would certainly not succeed in taking Flushing, or in annoying the anchorage in its neighbourhood, and most probably would lose every man he had landed upon Walcheren.

It appears then evident, that if the ministers had determined upon evacuating Walcheren, in consequence of sir Eyre Coote's letter of the 17th of September, received here about the 21st, the removal of the sick, the demolition of the enemy's naval establishments there (a point of very essential importance), and the final evacuation could not have taken place, till long after the period of the usual and almost invariable termination of the sickness; and really, under that impression, they would have been unjustifiable as a government, if they had not endeavoured to retain a possession of such extreme importance as long as it was practicable to do so; more especially as they were fully entitled to expect, that the sickness would cease in about three weeks from the receipt of that letter which it is contended ought to have governed their determination.

I do not hesitate to say, that the permanent attainment of such an object as Flushing, would amply have compensated the efforts of a whole campaign however long and arduous. At the same time, when, contrary to all reasonable expectation, the government found so extensive and calamitous a sickness continuing beyond the period of its customary duration, I am ready to admit, that they are not to blame for viewing it as an imperious and paramount necessity, and for sacrificing to that consideration a political object so closely interwoven with the vital interests of the state. I contend, however, that it was not only very natural for them to be slow in coming to such a decision, but if they had done so till driven to it by the irresistible necessity which forced upon them such a disastrous alternative, they might justly have been accused of lightly sacrificing the best interests of their country; and they would not only have deserved all the censure now attempted to be passed upon them, but impeachment would not have been more than adequate to the offence.

The expence of the Expedition to the Scheldt has also been much dwelt upon. The least calculation made by the public upon that point has amounted to five or six millions; whereas it appears, by papers on the table, that the extraordinary expence, deducting of course what the naval means employed and the troops would have cost if they had remained at home, and considering that most of the transports could not at any rate have been paid off, according to their old agreements, till later in the year, did not amount to more than one million.

The failure has been talked of as complete, which is entirely erroneous. An extent of sickness totally unexpected, and which those most experienced in that climate could not possibly calculate upon, alone occasioned the abandonment of a conquest, the permanent possession of which would have been cheaply purchased at the whole cost which the most exaggerated statements have represented as that of the Expedition to the Scheldt; and the having destroyed the naval establishments at Flushing, so as to make that port* of little or no use to the enemy for nearly two years, is a service undoubtedly of great importance.

I do not dwell much upon the diversion in favour of Austria, because, though the only one we could make, it was not of considerable magnitude. However, Austria herself thought it essential, as appears in the correspondence of that government; and the presence of so large an army in an enemy's territory, carrying on an attack against one of his principal naval and commercial establishments, must always occasion great embarrassment.

I think there can now be no doubt respecting the general policy by which his Majesty's government was actuated, in determining to direct the efforts of this country to the Scheldt; the expediency of that measure too is completely established, not upon any loose reasoning, but upon fair inference from the evidence and papers now upon the table of the House. It is very clearly proved too, that the utmost attention was paid to the wants of the army by the government, and the commander in chief of the Expedition. That the sickness was an inevitable calamity with which they cannot be charged; and that the attempt to retain as long as possible the island of Walcheren, was not only justifiable, but an indispensable obligation. I trust therefore that the Resolutions of censure proposed by the noble lord will not for a moment be entertained. They are wholly unmerited, and if they were to pass, would tend to shackle the exertions of every government in a manner the most prejudicial to the interests of the country. But that cannot be, until all regard for those interests, and all liberality and justice shall have fled from the British House of Commons.

I have now only to observe, that I heartily concur in the motion approving the conduct of the army and navy. To the Resolutions of fact I shall propose the previous question, because they are unnecessary; and to the Resolutions of censure a decided negative; and I shall beg leave to conclude with moving Resolutions of an opposite tendency.

Mr. *Herbert* (of Kerry) expressed his anxiety to decide upon this question solely upon its own merits, unprejudiced by party views. In every view he could give the question, it was impossible for him not to have wished that our assistance was not fully applied to Spain. The reason stated with respect to the want of bullion, he could scarcely believe, when he considered this country's great commercial advantages. Still, from the evidence before him, he must say, that in the Expedition to the Scheldt the means were adequate to the end, and the end useful. It was the best diversion this country could make with the least risk. With such impressions he could not vote for censuring his Majesty's ministers.

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* Vide Evidence of lieut. gen. Don and lieut. col. Pilkington, who was the engineer employed in the demolition of the basin, &c. See vol. 15, Appendix.

Mr. *Marryat* said, that he had attended the whole of the investigation, had heard all the evidence, and had read the whole mass of papers which had been produced. Exercising the best judgment he could form upon the subject, he had no doubt of the propriety of sending a British army to the continent, in order to make a diversion in favour of our allies. After the glorious attempt which Austria had made to oppose the tyranny of France, and when the fate of the war appeared so nearly poised at the ever memorable battle of Aspern, he thought the ministers of this country would have deserved the highest degree of blame if they had neglected to bring forward the whole strength and resources of the empire, in aid of Austria. The noble lord (Porchester) had said, that the time and season were ill-chosen; but it must be recollected that it came out in the evidence, that there was no material part of the army of this country in a situation for effective service before the period at which the Expedition was undertaken. If a corps had been sent to the North of Germany instead of Walcheren, that corps would neither have been sufficient to cope singly with the force which the enemy could bring to bear against it, nor to protect any insurrection which could be then formed. It would be also entirely deprived of the co-operation of our navy, which was a description of force that was of all others the most terrible to the enemy. The objects of the Expedition were two-fold: the first related to British objects only, and the second to a diversion in favour of Austria. Now as far as related to British objects alone, he thought it must be acknowledged that the capture of a fortified town, with a garrison of 9,000 men, and the destruction of the basin of Flushing, were events of some importance. It was also his firm opinion, that the ulterior objects of the Expedition would have been obtained if it had not been for the very extraordinary state of the wind and weather, which not only detained the Expedition so long in our own ports, but retarded its progress on the enemy's coast. Although there had been military opinions that this Expedition was doubtful and hazardous, yet it must be recollected that such opinions had been given of other expeditions which had completely succeeded. When the admiral who commanded off Basque Roads was asked his opinion about attacking the French fleet with fire-ships, he replied, "that although it was a most horrible mode of warfare, and the attempt was dangerous and almost desperate, it might possibly succeed." Notwithstanding this opinion, the attempt was made, and it succeeded. He believed, although opinions in almost the same words had been delivered respecting the attack of Antwerp, yet it would have succeeded if it were not for untoward circumstances, which, it was unlikely would occur, and it was impossible to controul. He could not but believe that the Expedition had an important effect as a diversion in favour of Austria. It was well remembered that at one time Buonaparté considered Austria entirely conquered, and called upon the Hungarian nation to elect a king for themselves. From the admirable and heroic General Orders issued by the emperor of Austria, it appeared that Buonaparté, in the beginning of the negotiation, proposed such terms as would have shaken the very foundation of the Austrian monarchy. Very soon, however, after he had heard of our Expedition landing in Walcheren, he lowered his tone, and offered the emperor of Austria such terms as he conceived he might with honour accept. Much blame also had been thrown on ministers for not evacuating Walcheren sooner than they did, but if they had withdrawn the British forces from the continent while the fate of Austria remained in doubt, they would have been justly exposed to the severest censures. Viewing the subject in this light, he could not agree in the propositions of the noble lord, and should consequently support the Amendment.

Sir *James Hall* condemned the vanity and presumption of certain high born persons in forcing themselves into situations which they were not qualified to fill. However he lamented the failure of the Expedition, he was not for an entire change of ministers, yet he contended that it was necessary some change should take place in the administration. He had not any objection to the marquis Wellesley; but, without some partial change the country was endangered; he thought the House ought to come to some Resolution, to shew that ministers were responsible.

The *Chancellor of the Exchequer* rose, amidst a loud cry of Adjourn, and observed, that as he did not suppose the other question (meaning that relative to sir F. Burdett) would occupy much time to-morrow, he would therefore move that the present debate should be postponed to the same day; which was agreed to.

The other orders of the day were then disposed of, and the House adjourned at three o'clock.

HOUSE OF COMMONS.

Wednesday, March 28.

[SIR FRANCIS BURDETT—BREACH OF PRIVILEGE.] Mr. *Sheridan* said that his object in rising was to say a few words on one of the most important matters upon which that House had ever deliberated: he meant the resumption of the adjourned debate on the complaint of a breach and violation of the privileges of the House, alledged to have been committed by one of their own members (Sir Francis Burdett.) He should, therefore, in the first place, move, that the debate on that subject be now resumed by the House.

The *Speaker* then stated to the House, what was the question before them for discussion, viz. a Resolution proposed as follows: "That a Letter signed "Francis Burdett," and a further part of a Paper intitled "Argument," in the paper called Cobbett's Weekly Register, of March 24, 1810, is a libellous and scandalous paper, reflecting on the just rights and privileges of this House."

Mr. *Sheridan* then observed, that, though he considered this as a question of the highest importance, he would not, in the view he meant to take at present of it, detain the House above a few minutes. His desire was, as he was persuaded it must be the desire of every gentleman who heard him, that this question should not interfere with the other great subject before the House; and he thought that this must be equally the wish of both sides of the House—it could not but be the wish on all hands, that the discussion relative to the Scheldt Expedition should not be interrupted. But besides that very weighty consideration—if ever there was a case in which precipitancy and rashness were to be avoided, it was the present. If, indeed, a complaint were made of a plain, a palpable and perfectly evident breach of a privilege, exactly defined and unquestionable, then it might be very proper that the question of privilege should take precedence of all others, unless there were other urgent matters pending which it would be of the greatest consequence to forward. But this was not a case of that description. It was not a plain and simple question, upon which the House could immediately decide. There were two distinct questions involved in it,—1st, as to the right of the House of Commons to imprison. 2d, as to the character of the terms with which the Argument had been accompanied, terms with respect to the precise import of which there might be a difference of opinion. If the Argument itself contained nothing but what had been delivered in the House, then another question arose, whether if there had been any thing in it contrary to the privileges of the House, it was likely it could have passed without notice by the Speaker, who ever presided in that House with dignity and impartiality. But he did not mean to enter into the details of the question now, because his proposition was that further time should be allowed to consider of it. He did not exactly know where the doctrine was to be found, that questions as to breach of privilege were to have precedence of all others, though they should not be of a nature to require particular dispatch. There was not, in his opinion, any pressing urgency in the present case to require the House to come to an immediate decision. He was not aware that such a practice with respect to the precedence of questions of privilege, had obtained in the best times of the constitution. At the commencement of every session, every gentleman must know, that a standing order was past for the appointment of a Committee of Privileges, and regulating the times of its sitting, and, by the order it was specifically directed that to this Committee were to be referred all such matters as related to breach of privilege; that it was to report from time to time to the House, and that when any such question was agitated respecting a member, he should withdraw, after being heard in his defence, till it was disposed of. This Committee was to sit every Monday, Wednesday, and Friday; all members were to have access to it; they were empowered to call for persons, papers, and records; and, lastly, to deliver their opinions to the House from time to time in reports. (Here the right hon. gent. read the Standing Order.) This he apprehended was not to be considered as a mere formal and barren order. The subject under consideration was a case perfectly calculated for the Committee of Privileges, and he saw nothing in it that required such haste that it should be proceeded upon to the interruption of the other most important business before the House. The hon. gent. who brought the subject forward was bound to shew that great mischief would result from delay—that greater inconvenience would arise from suffering the discussion on the new topic to be postponed for a short time, than from interrupting and retarding the other business, on which they were previously engaged. This had not been shewn. The proper and constitutional course, therefore, he contended, was to refer this matter to a Committee of Privileges. It was nothing to him that it had not been usual to refer these cases to a Committee of Privileges. He found a Standing Order commanding that line of proceeding, and the present instance was a most proper one for the reference which he proposed. He called the attention of the House to a case in 1779, relating undoubtedly to a person not a member; but the circumstance of a member being the party concerned made the argument much stronger in his favour. The case was that of a person of the name of Mathews who had published in The English Chronicle, a report of a speech which was held out to be a gross violation of the privileges of the House. The paper was delivered in at the table, and ordered to be referred to the Committee of Privileges. This shewed that the practice of reference to this Committee had not been long discontinued; but that such a reference had been made at no very distant period, in a case very similar to that now under discussion. He concluded by moving, "That the Committee of Privileges should resume its sitting on that day sen'night, and that the paper complained of should be referred to it."

The *Speaker* asked whether the right hon. member moved this as an amendment on the original question?

Mr. *Sheridan* said, he thought that unnecessary, because he stood on the Standing Order, which must be enforced on the bare suggestion, without any regular motion.

The *Speaker* observed, that the Standing Order was imperative only so far, that the Committee should sit at stated times, and not that any particular case should be referred to it; whether any particular case should or should not be sent to it, was a matter for the decision of the House, and the right hon. gent. might raise the question by moving it as an amendment.

Mr. *Sheridan* adverted again to the Order, and still contended that it was mandatory not only as to the appointing of the Committee, but also as to the referring to that Committee all matters of privilege. The words were, "they are to take into consideration all matters," &c.

The *Speaker* again said, that in the way in which the Order had been understood, the House was to pronounce whether any particular case should or should not be referred to the Committee.

Mr. *Sheridan* then moved, That the Committee of Privileges should sit on Wednesday next.

The *Speaker* said, that this must be moved as an amendment on the original question.

Mr. *Adam* rose to order, and begged before the question should be put in a regular shape upon the amendment, to suggest to his right hon. friend another course, by which he could more conveniently but not less effectually get at his object. In addition to the case which his right hon. friend had mentioned, there was one which occurred in 1701, respecting a letter written to the Speaker by a person of the name of Culpepper. This had been referred to the Committee of Privileges, which decided upon it in the first instance and reported thereon to the House. But then subsequently the House took the matter into its consideration and finally decided upon it. The best mode of proceeding, according to his view of the case, would be, that his right hon. friend should withdraw his motion for the present, and allow his hon. friend near him (Mr. Brand) to move an adjournment, which he understood his hon. friend meant to do. If the adjournment for several days should be carried, then the reference might be made to the Committee, and its report laid on the table before the termination of the adjournment, when the question might undergo a full and deliberate discussion in the House.

If a debate should arise on the proposition for an adjournment, he trusted he should be allowed to give his reasons for the course of proceeding which he had recommended.

Mr. Brand rose, when the Speaker observed, that at present the debate rested on the merits of the original question, unless the amendment was distinctly put.

Mr. *Brand* then proceeded. It was his intention to move the adjournment of this debate, after previously stating such reasons as appeared to him satisfactory and conclusive as to the propriety of some further delay. If the hon. gent. who had brought this subject to the notice of the House, had been aware of the interruption which it was calculated to give to the other important question now pending, he was convinced the hon. gent. would not have lent himself to any such purpose. (Hear! hear!) It was obvious that no mischief could result from any farther circulation of this paper, and therefore there was no cause for precipitation from any apprehension of that kind; whereas there was great danger of serious inconvenience from interrupting the discussion on the Scheldt inquiry, as the public attention would be diverted from a subject in which the interests of the nation were most deeply concerned. But from that subject the public attention would be diverted, and very naturally, if this question was suffered to intervene. Great and important, however, as he thought that question to be, still he would acknowledge, that he considered every question in which the rights and privileges of the House of Commons, and the liberty of the subject were concerned, to be of the first rank in the scale of importance, and to be more interesting than twenty questions on Expeditions to Walcheren or to any other part of the globe, and their consequent failures and disgraces. But the question to be now discussed was not so much as to the right of the House to commit for breaches of privilege in certain cases, but as to how far the exercise of such right extended; what were its limits, and whether it applied to cases where redress might be had in the ordinary course of law. On these points, which were most important in their nature and consequences, there might be much difference of opinion. These were not, therefore, questions to be determined upon in a rash and even impetuous manner. Though he was not called upon to say whether he agreed in the Resolution that had been submitted to the House; yet he had no hesitation in saying, that there was one passage amongst those pointed out by the hon. member (Mr. Lethbridge), which he considered as falling under every definition of a breach of privilege, and with the amendments and alterations which he should propose, he would vote for that determination; but, when he was called upon to say, that a paper laid before the House, was a libellous and scandalous reflection upon the just rights of the House, he must have time to consider what those just rights were. He had, as yet, hardly had time to look over the elaborate argument of Mr. Hargrave on this subject. On a point of so much importance it was absolutely necessary for the due discharge of their duty that they should have time to resort to all the sources of intelligence which they could discover. Sir Matthew Hale had said, that no offence ought to be decided upon in that House, where a remedy was to be had in a court of law. A remedy for libel was open in the ordinary course of law. Mr. Reeves had been prosecuted by the Attorney General for a libel at the instance of the House. So far he referred to the great constitutional questions which would arise upon this paper. As to the passages marked, there was one, as he had already said, which might be soon decided upon; but the rest, he thought, required very grave and serious deliberation before gentlemen could pronounce a dispassionate and just judgment upon them. For instance, it must be first very maturely considered how far a member was entitled to tell his constituents what he had stated in that House. He could not immediately make up his mind on that point—a point, the determination on which would involve many important consequences. Was a member not at liberty to tell his constituents what he had uttered in that House unreproved? Many of the points contained in the paper upon the table had been expressed by the worthy bart. in that House; nay, had even been enlarged upon, and supported by other members. If the worthy bart. had a right to give to his constituents what he had stated in that House, and laid down to be good constitutional doctrine, then in the commencement of his letter he had not gone too far in the following paragraph:—"Gentlemen—The House of Commons "having passed a Vote, which amounts to "a declaration, that an Order of theirs is "to be of more weight than Magna Charta "and the laws of the land, I think it my "duty to lay my sentiments thereon before my constituents, whose character "as freemen, and even whose personal "safety depend in a great degree upon "the decision of this question—a question "of no less importance than this, whether "our liberty be still to be secured by the "laws of our forefathers, or be to lay at "the absolute mercy of a part of our fellow-subjects, collected together by "means which it is not necessary for me "to describe?" If he had a right to convey to his constituents all he had stated in that House, in thus adverting to what he had openly complained of, and what had been admitted on the other side of the House, and defended only on the ground of its universality, it was abstinence and moderation in the hon. baronet to say no more. If a member was to be permitted to tell his constituents what he had said in that House unreproved, where was the breach of privilege in that passage? Upon this supposition the allusion had been made in language which evinced great forbearance and moderation. He could not help considering it as astonishing that this should have been so readily made a matter of complaint after the manner in which a celebrated charge of his hon. friend (Mr. Madocks), had been received, and after the charge had been dismissed, upon the ground that the practice was universal. The passage which he himself considered as a breach of privilege, was that in which it was stated that the members of that House "inflated "with their high blown fanciful ideas of "Majesty, and tricked out in the trappings of royalty, thought privilege and "protection beneath their dignity—assumed the sword of prerogative, and "lorded it equally over the King and "people." This he conceived did amount clearly to a breach of privilege. [Hear, hear, from the ministerial side.] He knew not how exactly to take that cheer, but he had stated this fairly, because he was apt to be sincere. But with respect to other passages, there was not a word in them but what was synonymous with what the worthy baronet had said in discussing the question of Reform, both in that House and to his constituents. There was no point of view therefore in which time was not necessary, in order to arrive at a calm, just, and dignified conclusion. If he were a friend of the right hon. the Chancellor of the Exchequer, he meant a political friend—he would most strongly recommend to him to grant time, for all must think, as the matter was at present managed, and he himself most certainly thought, that this was a sop thrown out to an attentive House and an indignant people. [Loud cries of Hear! hear!] He really had some hopes that the hon. gent. who introduced this subject would, upon better reflection, second the motion of adjournment and he was convinced that the hon. gent. would regret afterwards that he had pressed the matter at this period. He concluded by moving as an amendment on the original question, "That the debate be adjourned till to-morrow se'nnight."

Mr. *Lethbridge* then rose and said that he should not second the motion. (A laugh.)

The *Speaker* informed the hon. member that the amendment had been seconded.

Mr. *Lethbridge* again rose and said, that, as the mover of the Resolutions before the House, he could not consent to the proposition for adjourning the debate. He had most certainly, at the time when he brought forward the Resolutions, been sensible that he was entering upon a grave and serious subject; and it had never been in his contemplation to proceed in it with precipitancy. That had not been at any time his wish, and he conceived he had placed himself in the hands of the House, and that the House had determined for him. Further than that, he had nothing to do with the course, which had been pursued. But the argument of the hon. gent who had brought forward the amendment, appeared to him to answer itself, as it furnished the strongest ground against agreeing to it. The hon. gent. had stated that this question was of graver and greater importance than twenty expeditions, such as that to the Scheldt, or to any other part of the world. In this sentiment of the hon gent. he perfectly coincided; and if no other argument could be suggested for proceeding immediately with the discussion, he should, upon that alone, refuse his assent to the adjournment. He should not follow the hon. gent. through the various statements he had gone into, nor the able arguments, as he conceived them to be, which had been urged by him. He had but one word more to add, and he hoped the House would believe him as sincere in the declaration, as he believed the hon. gent. to be in all that had fallen from him. The hon. gent. had stated, previously to his making his motion, that he (Mr. Lethbridge) had lent himself as an instrument in this business to his majesty's ministers. If he had so lent himself, he should never cease to regret it as long as he lived. He had not, however, lent himself to any man, nor to any set of men. The motion he brought forward had originated in his own mind, and he had been induced to engage in the proceeding upon considerations of his own.

Mr. *Curwen* was ready to avow that he should have deprecated the discussion of such a question as that under consideration and at such a moment. It was impossible that, at a time when the House was so wholly occupied with the consideration of another grave and momentous subject, that they could be in a state to pronounce a cool and deliberate decision upon this question. On a motion such as that, which the House was then discussing, it was highly desirable that neither individual feelings of partiality, nor party considerations should influence their judgment. That was not a moment to bring such feelings into a discussion upon a subject like that before the House; and he should call upon the right hon. the Chancellor of the Exchequer to pause, and to consider the consequences that might result from adopting any precipitate course on the present occasion. It was impossible for that right hon. gent. not to see the consequences that must inevitably flow from any hasty proceeding upon a question arising out of a breach of privilege, which might alarmingly agitate the public mind from one end of the country to the other. For himself, he could most conscientiously state that he had not yet made up his mind upon the question; and if he should be compelled to vote on that occasion, he must say, that it was absolutely impossible for him to vote for the motion. Were he to vote for that motion, he should be bound to vote also for the strong reprehension of the House being expressed respecting the author of the paper upon which the motion was founded. But the matter would not rest there. The House would be obliged to resort to some strong ulterior measures; and before they should be driven to that awful necessity, it behoved them well and seriously to consider whether the paper complained of really contained matter calling for the adoption of measures, from which might arise such a feeling in the country, as he, for one, would most sincerely deprecate. If forced to proceed, therefore, in this instance, it was his intention, nay, he had no alternative, he must be compelled to vote against the motion. If time, however, should be allowed to gentlemen to make themselves fully acquainted with the whole of the case, he was persuaded that in such a case there could exist but one opinion upon the subject, and that the decision of the House would be unanimous. As to the right of the House to commit them for contempt, that was a privilege which it necessarily must have; but it was also a privilege which should seldom be exercised, never except in cases where it was actually necessary to assert the dignity and to maintain the authority of the House. All he asked of the House, therefore, was, that he should not be pressed to a decision in the unprepared state in which he felt himself to decide justly. It would have been much better that this paper had never been noticed, as in that case, he conceived that it would have soon sunk into oblivion; but as it had been brought under the cognizance of the House, the honour of the House required that some step should be taken respecting it. With this opinion strongly impressed upon his mind, it was his wish not to be forced to a crude and premature decision. And if many other gentlemen were, like himself, ready to avow that they were not prepared to come to a vote upon the question, he would put it to the House whether it was consistent with justice or decency to force them to it? Never had any question been discussed in that House which called for more temper, more consideration, or was more intimately and essentially connected with the honour and character of the House. He should again, therefore, conjure the right hon. gent. not to hurry on the question to a decision. A little time would clear away the difficulties with which it was at present enveloped, and lead to an opening to measures which might, perhaps, substitute conciliation for severity. In his own opinion, the hon. baronet was in some degree deserving of the reprehension of the House, but that might be so managed as neither to compromise the dignity of the House, nor transgress the bounds of justice and moderation. He would ask the right hon. gent. how he could answer, at a period when unanimity was more than ever desirable, for the irritation and heated feelings which any other course would be likely to produce in the country? If, notwithstanding, the right hon. gent.

should persist in pushing on the decision, on him alone should rest all the responsibility for the consequences. He was well aware of the sound mind and good sense of the people of this country; and though he would allow they might be led astray by deception or passion, he was yet convinced that, if that House would shew that it was actuated only by a sense of its own dignity, without any regard to more partial and confined considerations, the nation would cheerfully acquiesce in its decision. But in order to produce this effect, it was necessary to prove to the public that, in the exercise of its power or privileges, that House was not influenced by any feeling against an individual, but really and sincerely consulting its own dignity and character. On every ground, therefore, it was his opinion that they ought to proceed calmly, deliberately, and dispassionately on this question. The House could not but recollect, that, in consequence of being led away by a contrary feeling, its Journals had been disgraced by proceedings which, though subsequently expunged by a succeeding House, would ever reflect discredit upon that which had sanctioned them. He alluded to the proceedings against Mr. Wilkes, in which, by giving way to the influence of feelings of hostility towards the individual, the House had been carried into a course of proceeding subversive of the fundamental principles of its constitution. Though parliament had afterwards expunged from its journals the record of these oppressive and unconstitutional measures, still the remembrance of what then passed survived, and should be a warning to all future parliaments, not to give way to such feelings, or precipitately to decide upon questions of a similar description. He had been one of those, who voted against all the arbitrary measures which had been resorted to on that occasion; and, on the same principle, now besought the right hon. gent. not to press precipitately forward the ultimate decision upon a question of so much importance to the reputation and honour of that House. He trusted the example to which he had alluded would never be imitated. If the House were to come to a decision upon this question it should be such a decision as would be consistent with justice to the individual and a proper regard to the dignity of the House. No such decision however, could, in the present instance, be impartially or dispassionately pronounced. As a member of that House, therefore, who, since he had the honour of a seat in it, had never been influenced by any feelings of private attachment, or party interests—who had uniformly, on all occasions, and under all circumstances, given his vote to the best of his judgment, and according to the dictates of his conscience, with a view to the common interests of the country—who felt himself unprepared at present to give any vote satisfactory to his own mind, but who was anxious to pronounce judgment on the real merits of the case, he called upon the House of Commons to allow a small portion of time for the more mature consideration of this most serious and important question.

Mr. *Owen* hoped that the House would decide, and that without further delay, upon the question under discussion. The real question now was, whether the House was to suffer itself to be intimidated, whether any man should henceforth be at liberty to reflect most grossly upon its rights and privileges? He trusted, therefore, that the House would have the courage to assert its unquestionable rights, and not compromise its character by deferring the decision of the question before them. He felt astonishment at the amendment which had been moved: but he had been still more astonished at hearing the right hon. gent. (Mr. Sheridan), whom he had been accustomed to listen to with respect upon all constitutional subjects, represent the present as a question of no urgent nature or importance. (Hear, hear.) He could assure gentlemen that he was not to be intimidated from doing his duty. The right hon. gent. had certainly said that the question was not of any urgency. The hon. gentleman who followed, had however on the contrary stated, that in his opinion this question was of much more moment than the discussion of the merits of the Expedition to Walcheren. The question, in his mind, whether his Majesty's ministers were culpable or not in the conduct of that Expedition, was not to be put in competition with a question, whether the House of Commons was to remain independent, whether it was to preserve its privileges and authority, or to be beat down by personal intimidation. Whether such attempts were to proceed from members of that House, or persons out of it, he trusted the House had courage enough to repress them. He agreed that this question was of ten times the importance of the discussion respecting the Expedition. But the argument which had been urged for delay appeared to him extraordinary; as if indeed the delay of a few hours, before they should come to a decision on the discussion respecting the Expedition, would let the evidence out of the minds of gentlemen. The statement in the paper, which was the foundation of the charge, that the Bill of Rights was made a bill of wrongs, was sufficient to justify the House in proceeding. But that was not all; the paper stated that the exercise of the privileges of the House of Commons was subversive of the laws and constitution of the country. Was that a proposition to be passed over with impunity; was that a question, which they should not seize the earliest opportunity of deciding upon? It would have a very injurious effect upon the minds of the people, if the House of Commons should imprison a person not a member, for a libel, and not dare to notice one of its own members for the same offence. The decision upon this question would, he was confident, increase those sentiments of attachment to the constitution, which he knew to exist in the different parts of the country with which he was acquainted. He thought the passage in which it was asserted, "that that House lorded it over the king and the people," was a gross libel upon the House of Commons. He trusted, therefore, that the House would do its duty, and neither be intimidated by a fear of the people, nor influenced by feelings of respect for any individual, to defer the consideration of so important a question.

Mr. *Whitbread* begged pardon of the hon. gent. who had just spoken, if he could not, in the outset of what he had to say, express himself with the same clearness in his own words, as by adopting the language of his right hon. friend (Mr. Sheridan) and saying, that he had never risen to speak on a subject of greater importance. Such were the words of his right hon. friend, which that hon. gent. had greatly mis-stated, when he said that his right hon. friend had represented the question as one of a light nature. It was because the subject was not light but momementous that he rose then to ask, as he had done last night, for some delay before he should be called upon for his vote. In justice to the hon. member who originated the motion, he must say that it was not his wish at first to proceed precipitately with the question. But to the right hon. the Chancellor of the Exchequer, who was mainly interested in the question already under discussion, a question, which the hon. gent. who had just sat down, considered comparatively light, was to be ascribed the precipitancy with which the discussion was pushed forward. The question which had so long occupied the whole attention of that House, so far from considering light, he regarded as one of the greatest moment, as well to his majesty's ministers as to himself. (Hear, hear, from the ministerial benches.) He despised such feelings as appeared to give rise to the cheer, and would repeat that the question was of moment to him, because it was desirable to every honest man to be allowed time to be in full possession of every thing that could enable him to form an impartial judgment. The House would give him credit, he was sure, when he said that the question before it was momentous though not pressing. He saw no reason why the same time should not be allowed now, as when the Chancellor of the Exchequer and the lord viscount Castlereagh were last session charged with a breach of the privileges of that House. The right hon. gent. would recollect, that when that charge had been first brought forward, he rose in his place, and after stating that he was taken by surprize, made his bow, and retired; after which a delay of five days was allowed before he made his defence. He had voted in the minority on that occasion; and to the decision of the House in that instance, and the conduct of his Majesty's ministers, they were to look for the degration of the House of Commons in the opinion of the people. The House would also recollect the case when viscount Castlereagh was charged with bartering for a seat in that House, and was sheltered by the amendment of a right hon. gent. (Mr. Canning) not then in his place. That proceeding, coupled with the resolution of 1779, which made such a practice a breach of the privileges of that House, had mainly contributed to the lamentable degradation of parliament. He begged also to remind the House of the threat respecting the dissolution of parliament, thrown out by the same right hon. gent, shortly after he came into office, and of the realising of that threat soon after by the actual dissolution of parliament; and then to ask, to whom was the degradation of parliament to be attributed? On the present question then, of so much importance to the independence of that House, and the interests of the nation, he asked for time to consider it sufficiently. The same application he had made 24 hours before, and in the period that had since intervened, he had not had time to consider the subject. In this respect the hon. gent. opposite, and his hon. friend, had the advantage of him. He had marked the passages specified by the hon. mover, but had not yet been able to look into them. In this situation, he could not think of deciding upon extracts made by any gentleman however honourable, without being able to refer at the same time to the context. The House would recollect the nature of the speech of the gallant general (Craufurd) last night, who had produced a campaign of his own instead of the imaginary campaign of the noble lord, and concluded with an amendment expressive of the approbation of the conduct of his Majesty's ministers, without any one document or argument produced in their justification. Whilst the honourable and gallant general was proceeding through the details of his campaign, he could not but think that every hon. officer who had served on the Expedition would have wished for mountains to cover, or seas to overwhelm him, in order to escape the indignation of the public. When charged with a wish to delay the discussion on the conduct of the Expedition, the right hon. gent. (the Chancellor of the Exchequer) opposite had referred to his conduct during the whole of the investigation to prove the contrary. He was ready to admit, that the noble lord, not then in his place, (lord Castlereagh) had conducted himself with great propriety throughout the whole of these proceedings. But when the right hon. gent. referred to the papers not yet delivered from the printer's as furnishing, if he were so disposed, a cause of delay, he must observe that whatever might be the abilities of that right hon. gent., he could do but one thing at a time. It was the opinion of a great man, that that was the manner in which all things were done. As they were not pressed for time as to the present question, there was no ground for interrupting that in which the House had been previously engaged. When the notice of the motion had been given by the hon. gent., it was suffered to lie over for twenty-four hours. Why, then, not lie over for a longer period? He gave the hon. gent. (Mr. Lethbridge) credit, when he said, that he had not lent himself to any man in the course he had taken; but he must be allowed to add, that the hon. member had allowed himself to be influenced by the Chancellor of the Exchequer, who had taken advantage of his facility. The hon. member was willing to allow time, but the right hon. gent. had availed himself of this question as a God-send, in the same manner as a drowning man would catch at a straw, in the desperate hope that it would afford him a short respite from the impending decision upon his conduct. It was an old saying, that many things happened between the cup and the lip, so also did many things happen between the halter and the gallows. (Hear, hear!) He did not mean to say, if he was to go to the extremity, that the right hon. gent. was entitled to be beheaded, neither had he meant to apply the allusion to him. Gentlemen might recollect the case of a soldier, who, on the retreat in Spain, had been tried by a court martial for some heinous offence, and sentenced to be shot. The detachment of cavalry was drawn up for this execution; but, fortunately, the enemy came in sight; the cavalry escaped, the culprit was put on a horse, and fled with the rest, and so the whole ended.—As he trusted the House of Commons would never shew any fear, so also he hoped that it would not manifest either favour or partiality to any person. He thought the House, by acquitting the right hon. gentleman last session, had shewn such partiality, and thereby contributed to that degradation into which some persons supposed the public to consider it as fallen. The right hon. gent. had certainly not been charged with a breach of the privileges of that House. Lord Castlereagh, however, had, and if not for the gentlemanly terms in which he made his excuse which disarmed the resentment of the House, and the amendment of a right hon. gent. (Mr. Canning) which gave rise to a coinage of a new word, in the language of the right hon. gent. "lest a mistakeable record should appear upon the journals," he must have been convicted. But the right hon. gent. desired that the House should not suffer itself to be intimidated. For himself, he could say, that he had never at any time been afraid to avow his sentiments. Yet at the same time that he would not be intimidated from expressing his sentiments, he would not be intimidated to act with a false courage, or to do a thing in order to shew that he durst do it; nor to do any thing, which, in his best conviction, he should not think right.—If he were the only one who was not, and had not an opportunity to be, acquainted with the paper, then he might be the only one who should vote for adjournment, and on a ground which to him appeared unanswerable; but he had another ground, arising out of the good feelings of the hon. mover and seconder. When he heard these hon. gentlemen, in stating their sentiments, allude to combinations in that House, and the spirit of jacobinism out of it, he could scarcely believe that he was not listening to the organs of the late Mr. Yorke; (he begged pardon) of the late member for Cambridgeshire. This was the legacy bequeathed to that House by the Teller of the Exchequer. (Hear, hear!) That right hon. gentleman had made a complaint against John Gale Jones who made a respectful apology at the bar. (No, no!) As he was informed that person had conducted himself with becoming propriety and decorum at the bar, and on that ground it was his opinion at the time that he should be discharged. Every thing that had since been done on the subject tended, step by step, to make Jones a greater personage than he could otherwise have hoped to become.—It was not his intention then to give any opinion as to the right of the House to commit for contempt; that opinion he had before stated, and it was not necessary for him to repeat it. He begged here however to return to what he had been drawn off from longer than he had intended; the allusions of the hon. gent. (Mr. Lethbridge) to combinations in that House. The hon. member had said that on hearing certain statements in that House, he was so affected that his hair stood on end. (A laugh.) Now that the House knew that he had the gift of language (though indeed he had heard that hon. gent. before make a motion respecting double-barrelled guns) he trusted that he would not hereafter remain silent; but when he became sensible of this visible effect, suffer his moral to overcome his physical impressions, and move that the terrifying words be taken down. It would certainly be on every account desirable that he should not suffer the agitating words to remain in oblivion for three weeks, and then make the unfortunate utterer of them become the object of another charge, by bringing them in judgment against him. (Hear! hear!) He should appeal to that bench of lawyers whom he saw before him whether such a practice would be allowed in any court of justice: whether, on a trial for one offence, it would be tolerated to give in evidence a previous act which had never been questioned? He was bold enough to differ from the honourable baronet, though he must admit that he had not read his statement. He had heard the speech of that hon. baronet with attention, but without being convinced. That speech appeared to him an able one, but the great fault he found with it was, that his proposition would not, if agreed to, advance the object of the hon. baronet, one step. He also found fault with his having published in his Argument any thing which he had not stated in his speech, when he brought forward his proposition.

Another complaint he had to make against the hon. baronet was, that when he published his Letter and Argument, he professed to publish the substance of his speech. He had read the Letter, and thought that there was nothing in it which any county member might not have addressed to his constituents. Having read the Letter, he put the Argument in his pocket, supposing it to be the same as the speech which he had heard. On coming down to the House, however, he was informed that a notice had been given of the motion by the hon. member. When he heard this, he thought that the matter would soon be over, as he did not think there was any thing exceptionable in the speech. But he was afterwards informed that there were many things in the Argument which were not in the speech; and it was upon the ground that he was not prepared to give an opinion upon any one of these new passages, that he wished for the adjournment of the discussion. It was impossible to to say that any one passage was a libel, without considering the whole, and ascertaining how each might be explained or modified by the context or other passages in the paper. That he should do, if allowed time to consider the paper; but if not, he should not be driven to vote for the Resolutions of the hon gent. As a juryman, and he looked upon the House as in that instance called upon to perform the functions of jurymen, he should, in case of any doubt, feel himself bound to pronounce the party innocent. Others were no doubt in the same situation with him; and he had no hesitation in saying, that any hon. member who felt a doubt upon the subject was bound to say not guilty.

What detriment, then, he would ask, could result from agreeing to the adjournment of this discussion? All gentlemen were not so highly gifted as the right hon. gent., to comprehend the details of two important subjects at once. They had not, as that right hon. gent. seemed to have, cells in their brains for the reception of different kinds of evidence, nor that constitution of intellect which enabled him to cast shades over one description of evidence, whilst he applied his attention to another, and then to withdraw these shades at will, for the purpose of proceeding to the consideration of the temporarily secluded subjects. When the right hon. gent. therefore, called upon the House, not possessing the same advantages with himself, to divide their attention between two questions, he was doing an injury to the House, to each individual in the House, and to to the nation. But whatever effect the right hon. gent. might have expected from this interruption, he trusted he would be disappointed as well within as without the walls of that House. He might suppose that the public would be distracted by this question from paying the same attention, which it would otherwise devote to the question in which that right hon. gent. was so deeply and personally interested. But the public he believed to be too wise to give into that delusion. The right hon. gent. would gain but a short respite before the decision should be pronounced upon himself. The hon. baronet too had strong claims on the House not to proceed precipitately in this question. The House of Commons, whose rights and privileges were interested no less than the freedom of the people in the decision, had claims upon that House to proceed calmly and deliberately, not rashly and precipitately. When the honourable baronet had made his motion for the liberation of Jones, he was not convinced by his speech, but had voted for the discharge of Jones, because his previous confinement appeared sufficient punishment, because his offence was light, and because he had conducted himself respectfully when at the bar of that House. He was sure if the right was not consistent with law, that the House of Commons was too liberal not to relinquish it; but if on the contrary, the right was legal, that House would always be bold enough to maintain its rights and privileges.

Sir *Joseph Yorke*, unaccustomed as he had been to address that House, still did not think it would require much ability to refute the arguments of the hon. gent. who had just sat down, and who had so freely criticised the conduct of every member whom he had thought fit to advert to. The hon. gent. among other criticisms, had alluded to a legacy which had been bequeathed to that House by the Teller of the Exchequer, the late member for Cambridgeshire. He could assure that hon. gent., that whatever legacy was bequeathed by the late member for Cambridgeshire, would be remembered with respect by that House. Certain he was, that it must be as good as any that proceeded from a brewer of bad porter. [Here a general cry of Order, order! Chair, chair! continued for some minutes; several members of the opposition benches at the same time standing up in their places to speak to order.]

Mr. *Whitbread*, as soon as silence could be obtained, rose and declared, that whatever might be the emotions felt by his honourable friends, as to the language which had been used, he could assure the House, that he was in no other way affected by it than as a tradesman, and in that capacity he thought the hon. gent. had no right to hold him out as a brewer of bad porter. He only hoped, that, as the hon. gent. conceived so bad an opinion of him in supposing that he had so far deviated from the precepts and practice of his father, that he would do his porter the justice to make a trial of it. If the hon. member should order a cask of it, he would undertake to furnish him with the best, and all he should ask in return was, that he would give it to the electors of Cambridgeshire to drink the health of their late member. (A laugh.) The cry of Order, order! Chair, chair! was again repeated, when

Mr. *Croker* rose. (The calls upon the chair were renewed.)

The *Speaker* then observed, that unless any other honourable member rose to order, the hon. gent. (Mr. Croker) was in possession of the House.

Lord *Milton* then rose and said, that in order to preserve that decorum which ought to prevail in the discussions in that House, he felt himself bound to move that the hon. gent.'s words be taken down.

Mr. *Whitbread*.—I wish, as I am sure I

feel perfect good humour on this subject; and the hon. gent. as I perceive by his countenance, is restored to tranquillity, the House would not call for any apology: I require none on this occasion—(Hear, hear!)

Mr. *Croker,* who had before offered himself to the attention of the House, then rose and being requested by the Speaker to proceed, observed, that the fraternal feelings of the hon. gent. (sir J. Yorke) afforded a sufficient apology for the language he had made use of, considering the manner in which his hon. relative had been alluded to by the hon. gent. (Cries of question! question!) He had expected some indulgence from the good humour of the gentlemen opposite, and asked them if they had called as clamorously for the question, when the hon. gent. had so evidently wandered from the subject before them? In deviating from the question, that hon. member had used as rude and unparliamentary language as had been employed on this side of the House. One would have imagined, from the speech of the hon. gent., that the question now before them was of such a nature that nobody could decide upon it without the utmost difficulty. He was sure it must be otherwise with the hon. member, if he only consulted his own library. What in fact was the question? Whether this publication was unconstitutional or not? Whether it was allowable for any member of that House to arraign its proceedings, and to appeal from their authority to the opinions of the public? The question did not require a moment's deliberation. The hon. member had said, that he was not to be intimidated from stating his doubts or opinions on this subject, however those opinions might lean; "nor am I (said Mr. Croker) to be clamoured into silence by any outcry or monosyllable, unaccompanied by any argument." The question was one of the most important, he admitted, that ever came before the House, but it was important with respect to the privileges, the existence, and dignity of that House.

The hon. baronet had spoken in the House on the subject of the commitment complained of, but he had not dared to utter those sentiments, nor to employ those expressions that he had since sent forth to the public. He had published, however, in the shape of an Argument, what professed to be a speech spoken in the House of Commons, and which from its nature he dared not have uttered in his place. Had he spoken such a speech in his place, he was confident that he would have been immediately called to order, and convicted of a violation of the privilege of parliament. Were they to be told in 1810 that a privilege that had been claimed and enjoyed from the most remote period was a transgression of the constitution, or a violation of the rights of the people? What he would ask, was the proposition stated by the hon. baronet? That we cannot commit strangers for contempt. He had stated, that what was done unanimously, in a very numerous meeting of the House, where all the talent and weight of the House was combined, when both sides of the House were agreed, he had stated that that act was an illegal one, and contrary to the rights of the people.—There was a want of taste as well as of judgment on the part of the worthy baronet. He set at defiance the unanimous decision of that House; he condemned it as a violation of the constitution, and, instead of openly and candidly avowing this sentiment in the House itself, where he ought to have sought his redress, he libels their proceedings before the public, and declares that proceeding to be a violation of the rights of the people—a sentiment which he dared not have avowed in that House. The passages that had been objected to were so clearly libellous, that no comment was required to prove them so. He should not enter minutely into a detail of those expressions or sentiments. The gentlemen opposite were not unaware of their libellous tendency, and he should leave them to fight it out among themselves, which were constitutional, and which not. "I appeal" (said Mr. Croker) "to you, Mr. Speaker, without entering into any laboured argument; I appeal to you, whose authority and signature he has traduced, whether if he had dared to have made use of such expressions before you, you would not have felt it your duty to have called him to order, as you did once before this session, when he was proceeding to indulge in invective against the dignity and character of this House. He has so far degraded the dignity of the House, and the authority of the chair, as to represent your warrant, Sir, as a piece of unsealed paper, with your name affixed, denying it any weight or authority. He has called it an unlawful instrument. I appeal to the House, if I uttered any such language within these walls, whether you would not have deemed it not only highly irregular and unparliamentary, but a libel on the House. But I appeal further to the House, if the sentiments of the hon. baronet on this subject are not well known, and if they are not such as require no attempt to prove the application or tendency of the language he employs (Order, Order, from several members.) I insist that we do know his sentiments, because they have been avowed before, and therefore I am not to be called to order: While humbly supporting the dignity of the chair, and the privileges of this House, I am not, I contend, out of order. I say humbly, for I do not think either the dignity of the chair, or the honour of the House, stand in need of such defenders." There could be no doubt of the question, unless the forms and privileges of the House were wholly changed. Whatever the principle of the commitment might be, there could be no doubt of the illegality of the Argument, and the conclusions adopted by the worthy baronet; there could be no doubt, that the paper was a most audacious libel. It would be tiresome, and still more offensive than tiresome to the House, to read all the objectionable passages. The gentlemen opposite admit that their minds were made up on the subject; they admit that the publication is a libel, and yet they wish for delay; they wish for further time to inquire into it. If the libel was admitted, what occasion was there for farther time to consider? The hon. bart. did not merely excite opposition to the proceedings of the House, but he endeavoured to entail upon it contempt and dishonour.—Here the right hon. member quoted the passage in which the House is represented as inflated with their high-blown, fanciful ideas of Majesty, and tricked out in the trappings of royalty, thinking privilege and protection beneath their dignity, assuming the sword of prerogative, and lording it equally over the king and the people. He also read the passage in which scripture language was employed, "God shall smite thee thou whited wall," &c, (a laugh.) Gentlemen might laugh, but the hon. baronet could use scripture language when it suited his purpose, and that those gentlemen who were disposed to laugh might feel the full extent of its design and application, he should read the paragraph preceding. The evident purpose of the passage was, that unless the House should revert to its old practice, it must draw down upon itself that sentence of St. Paul alluded to. If the House was to revert to its ancient practice, was not that a condemnation of its present conduct? Was it not a libel on the House to state, that their practice and conduct would lead to such consequences? Such, however, was the spirit and tendency of the whole of the pamphlet. If the hon. gentlemen opposite wished for time to consider and criticise this pamphlet for the purpose of doing away its libellous passages, a week, even a month would be too little for that purpose, so numerous and so pointed were the obnoxious passages. He did not speak from any feelings of hostility to the worthy baronet, but from an affection for the constitution and the dignity of the House. The original discussion had been a month ago before the House, yet no one had ever doubted of the right of the House to exercise the power it had done on this occasion, with the solitary exception of a noble lord opposite (lord Folkestone) to whose consistency, therefore, on this account, he gave some credit; and were they then to postpone the present question, on which, judging from the former decision of the House, so little diversity of opinion could possibly subsist? He would therefore give his vote against the amendment.

Sir *S. Romilly* thought the House called on, out of respect to its own character, to deliberate longer before they should come to any decision in this case. Though they were here judges from necessity, yet let them not forget that they were judges in their own cause. This was a time, at which they were called on not sharply to catch at every supposed or apparent violation of their privileges, but to protect them with temper and moderation, never over-stepping the liberal and substantial rules of justice. With all the pains he had been able to bestow, in the short period he had it in his power, on the reading of the publication in question, he had considerable doubt in declaring that it was a libel. If he should be compelled to come to a vote on it that night, he must, on every principle of law, and from considerations of substantial justice, as practised in the courts in which he had been educated, say that it was not a libel, because so long as he remained in doubt he must, of necessity, incline to the side of innocence. He was not a person to come to the decision of a question of this kind with that sharp retort, and with that heated temper, which some gentlemen seemed to have brought along with them. He begged of them to come to the decision of the question now before them with temper and moderation. There was not a man who wished more than he did to hold a high check over attacks on the privileges of that House. So far, however, from protecting their privileges, by acceding to the proposed Resolutions, he was satisfied that to do so would have a contrary effect. He was told that the House was not to listen to the language of intimidation. He confessed that he had not courage, considering what had lately passed at the numerous great meetings throughout the country, in which opinions, in many instances, unanimous ones, on grand public questions, were declared contrary to the decisions of that House, to contend that the majority of that House must be correct, and the great body of the nation wrong, or to set up his own opinion, had he originally formed one in those majorities, against the voice of the nation.

The House was now proceeding, however, to dispose of the present question without being accurately acquainted with the true nature and real bearing of it. He thought he should be able to satisfy some gentlemen, who seemed anxious to come to an immediate decision on the question, that this was the case, and that if they were at this moment to decide it on the facts as they understood them, they would decide contrary to the true import and meaning of the very passages on which their decision was built. An hon. gent. under the gallery had, as the ground of his opinion, cited a particular paragraph from the Argument in question, giving it an interpretation which it would not bear, and without weighing the import of it, after a cursory reading, asked was not this and this libellous? The hon. gent. (Mr. Owen) had construed the passage to which he alluded as if it charged the House with converting the Bill of Rights into a Bill of Wrongs; whereas, if the hon. member had perused the passage attentively, he would have found it stated that no one member agreed with Mr. Yorke in imprisoning Mr. Jones under the sanction of the Bill of Rights. If the House had agreed with the hon. gent. under the gallery, however, in his interpretation of the passage, they must have taken it for granted that this was the decision of the whole House. This was a strange and extravagant construction to have given the paragraph, as, he was convinced, the hon. gent. himself would admit after again perusing it. Now, surely, after seeing this egregious error into which he had fallen, the hon. gent. would agree that the consideration of the question should be postponed. He was convinced that the hon. gent., having for some years been of the same profession with himself, would deplore what might have been the effects of so rash and precipitate a judgment.

He begged to call to the recollection of the House what was in reality the proposition they were called on to support. It was not that sir F. Burdett was guilty of a breach of the privileges of that House, but that the publication in question was a libel, and then it went on to state, that it was a breach of the privileges of the House. The honourable and learned gent. would not pretend to say, that the publication was not a libel, but he confessed he entertained a doubt on that point. A publication might be a libel in its matter, next in its manner. Any man has a right to discuss every great constitutional question, whether of original power or of constituted authority. He might shew his folly in arguing a point in which no other man would agree with him, but still he had a right to do so. There might be inflammatory language in the paper in question, but, at the same time, it was reasoned with great ability, and all the great authorities and precedents on the subject were given and argued on with much learning. This was a grave argument, and God forbid that any man should be precluded from discussing such a subject. The question then was, if there were not in that paper offensive paragraphs? He agreed that there were; but, then, did they amount to a libel? [A sort of laugh from the ministerial bench.] He dared to say that gentlemen much better acquainted with the nature of a libel than he could pretend to be, would be prepared to answer this question, and he should be obliged to some of them to favour the House with an opinion on this subject. The paper said that the right assumed to themselves by the House was contrary to Magna Charta; and gentlemen objected that many parts of it were conceived in strong language. Why should there not be strong language in arguing a question of great consequence, involving at the same time the rights of the public and the constitution of the country? Was the House called on to interfere, and to measure out the nature and quality of the language to be used in every such discussion? Surely it was not on such nice matters as these that the House should be called on to judge? He hoped the House would not suppose that he meant to enter into a defence of this paper. He only meant to state his doubts, whether that House ought to take up this paper as a libel on which they were to judge. It rarely fell to his lot to sit in a judicial character; but so far as he could judge on this matter, he was not prepared to vote in support of these Resolutions. There were, as he had already said, offensive paragraphs in the paper; but he could not view them in the mischievous light in which some gentlemen had been induced to conceive them. The paragraph in which the House was stated to "assume the sword of prerogative, and lord it equally over the king and the people," had been particularly dwelt on, as containing matter highly objectionable. He could hardly view it in this light. The hon. baronet might perhaps take offence at his observation, but he could not help conceiving the paragraph altogether nonsense. As to mischief, he could not conceive how it could arise. It was impossible that the idea of that House lording it over the King, could produce any injurious effect. Could any person, not an ideot, or fit to be sent to a mad-house, be deceived by such an idea? Where had that House ever encroached on the royal prerogative? There were other passages objected to, such as an allusion to the "manner in which that House was constituted," and that they were "collected together by means which it is not necessary for me to describe." He would ask the gentlemen opposite as learned lawyers to say, if the hon. baronet were to be indicted for those objectionable paragraphs, how the charge would be laid? Where was the inuendo? He recollected a case of this kind, where an hon. gent. on the opposite side was on the side of the prosecution, and he (sir S. Romilly) for the defendant, and there, because there was no inuendo, the case was dismissed.—But there was another matter to which he wished particularly to call the attention of the House. They were called on to vote this paper a libel, in a very singular situation. For if this was the law of the House of Commons, a man could be punished by this House when he had not been heard in his defence. This doctrine was not the law in any court in the kingdom. In any of our courts, when a man was indicted, after the mischievous tendency of the libel was pointed out he had an opportunity of shewing, that such was not the meaning of it; he was allowed to shew what its meaning actually was; and that, though it might admit of the meaning given it on the part of the prosecution, still that was not the meaning he intended it should receive. Here the person accused had no such opportunity. The paper was read, and then he was ordered to withdraw without being heard.—He did not mean to say that this was not the law of parliament. He was not so much acquainted with its practice, as with that of the courts in which he was accustomed to practise. He did not even mean to say that this was not the proper course; but, if they were to pursue this mode, when they themselves were the party, they should at least, act deliberately; and if they could not call the hon. baronet before them, to hear his explanation of the objectionable passages, they should take care at least, that all justice was done him. It was admitted yesterday, that time should be given for deliberation. Now, they were to consider what had been done since, and what time had intervened, which could enable the House to have made themselves more complete masters of the subject? Would gentlemen venture to say, that those passages which had been objected to, might not admit of a very different interpretation after the House had had sufficient time to consider them? He had already proved, in the person of the learned gentleman under the gallery, (Mr. Owen) that there were gentlemen ready to decide on the paper in question, as being a libel, while at the same time, they were under a complete misapprehension of the meaning of the passages on which their opinion was founded. This, he submitted, was a sufficient ground on which to postpone the discussion of the question. It was impossible to say that a fair opportunity had already been afforded for considering the paper in question. It would be useless in him to point out the ill consequences of precipitation in such a case as this; and notwithstanding the courage of some of the gentlemen who had spoken on the other side, he hoped the House would take some little time to deliberate before they came to a decision on a question of such importance.

The *Chancellor of the Exchequer* could not conceive how any one possessed of the sense and information of his hon. and learned friend could doubt that the paper in question was distinctly a libel. Although he might not have selected the passage quoted by his hon. friend under the gallery as the strongest in that production, still that passage was unquestionably a libel on the House of Commons; for the inference from the assertion that Mr. Yorke, in arguing from the Bill of Rights, had converted it into a Bill of Wrongs, by which argument the House had been induced to act, was that the House had done wrong, and violated the privileges of the people. All who had spoken seemed to agree that this was a highly important question. Some indeed might think that the inquiry into the application which his Majesty's ministers had made of the forces of the country at Walcheren was of still greater importance; but although he was willing to admit that this inquiry was of great importance, he did not believe that the House would feel it to be of such importance as the investigation of a charge against them, that they had been guilty of a gross violation of the law of the land.

Various gentlemen had called on him, some in a friendly, and some in a hostile tone, not to expose himself to the imputation of interposing the present discussion to divert the public attention from the Walcheren inquiry. For the purpose of declamation, or of casting odium on ministers, such an insinuation might be very convenient; but it was impossible that any one could reasonably believe that the intervention of a day before the decision of the inquiry was a matter of personal importance to the members of his Majesty's government. An hon. gent. had said that he (the Chancellor of the Exchequer) calculated upon some such circumstance in the chapter of accidents as that which happened to the condemned soldier in the retreat; and that with a halter about his neck he looked around for some such fortunate event as the present discussion to avert his impending fate.

In this assertion he could not suppose that the hon. gent. was serious. For his part, he was as anxious for the result of the inquiry into the Expedition to the Scheldt as any man. Anticipating that result as he did with the most perfect confidence, he looked to it as the means of doing away those false impressions which had prevailed with respect to a measure, the wisdom and policy of which he was persuaded would appear more evidently the more the measure itself was examined. His hon. and learned friend had very justly said in considering a libel, a distinction ought to be made between the matter and the manner. Now, both the matter and the manner of the paper in question were as libellous as it was possible to imagine. He allowed that any individual was perfectly at liberty to canvas any act of authority; but he had no right to decry the decision of the House of Commons, and to appeal from that decision to his constituents. The manner of the document was most offensive, and with respect to the matter, it was neither more nor less than a call by the hon. baronet on the people to resist the authority of parliament. If he could prove the proposition by a mere reference to the Letter of the hon. baronet (without saying any thing of the Argument by which it was followed), he should shew a case of libel, which it would become the House not to pass unpunished. The Letter of the hon. baronet began as follows:

"Gentlemen; The House of Commons having passed a vote, which amounts to a declaration, that an order of theirs is to be of more weight than Magna Charta and the laws of the land, I think it my duty to lay my sentiments thereon before my constituents, whose character as freemen, and even whose personal safety depend in a great degree upon the decision of this question, a question of no less importance than this, whether our liberty be still secured by the laws of our forefathers, or be to lay at the absolute mercy of a part of our fellow subjects, collected together by means which it is not necessary for me to describe?"

After a few sentences the Letter proceeded thus:—

"It is therefore now the time to resist the doctrine upon which Mr. Jones has been sent to Newgate, as it is high time to secure all pretensions to those liberties which were acquired by our forefathers after so many struggles and so many sacrifices."

The statement of the hon. baronet, therefore, began by an allegation that the House of Commons had set up an order of their own against Magna Charta and the laws of the land; that personal safety was thereby endangered, and that now was the time to resist the doctrines upon which they had sent Mr. Jones to Newgate. But, perhaps, it might be contended, that by resistance was meant resistance by argument. What said the succeeding paragraphs?—"Either the House of Commons is authorised to dispense with the law of the land or it was not."

A passage in which it was clearly inferred, that in the instance complained of the laws of the land had been so dispensed with.

"If the constitution be of so delicate a texture—so weak a frame—so fragile in substance, that it is to be only spoken of in terms of admiration, and to be viewed merely as a piece of curious but unprofitable workmanship; if Magna Charta and all the wholesome laws of England be a dead letter, in that case the affirmative of the proposition may be admitted; but if the constitution lives, and is applicable to its ends; namely, the happiness of the community, the perfect security of the life, liberty, and property of each member, and all the members of the society; then the affirmative of the proposition can never be admitted; then must we be freemen, for we need no better security; no more powerful protection for our rights and liberties, than the laws and constitution. We seek for, and we need seek for nothing new; we ask for no more than what our forefathers insisted upon as their own: we ask for no more than what they bequeathed unto us; we ask for no more than what they in the testament which some of them had sealed, and which the rest of them were ready to seal, with their blood, expressly declared to be the birthright of the people of England; namely, the laws of England. To these laws we have a right to look with confidence for security; to these laws the individual now imprisoned has through me applied for redress, in vain. Those who have imprisoned him have refused to listen to my voice, weakly expressing the strong principles of the law, the undeniable claims of this Englishman's 'birthright.' Your voice may come with more force; may command greater respect; and I am not without hope that it may prove irresistible, if it proclaim to this House of Commons in the same tone as the tongues of our ancestors proclaimed to the Kings of old—'*Nolumus leges Angliæ mutari*;' or in our own more clear, and not less forcible language, 'The laws of England shall not be changed.'"

As far as he had gone, was this the proper mode of treating such a subject? But what followed?

"The principles, fellow citizens, for which we are now contending, are the same principles for which the people of England have contended from the earliest ages, and their glorious success in which contests are now upon record in the Great Charters of our rights and liberties, and in divers other subsequent statutes of scarcely less importance. It was this same great principle which was again attacked by Charles I. in the measure of Ship-money, when again the people of England, and an uncorrupted House of Commons renewed the contest; a contest which ended in the imprisonment, the trial, the condemnation, and the execution of that ill-advised king. The self-same principle it was that was so daringly violated by his son, James II."

And again, towards the conclusion of the same paragraph,

"Volumes have been written by foreigners, as well as by our own countrymen, in praise of that part of our law, which in so admirable a manner provides for our personal safety against any attacks of men in power. This has indeed been in all ages the pride of our country; and it is the maintenance of this principle which enabled us to escape that bondage in which all the states and kingdoms in Europe were enthralled, by abandoning and yielding it up; and we may be assured, that if we now abandon it, the bright day of England's glory will set in the night of her disgrace."

Could any thing be more distinct than the mode of resistance here recommended by the hon. baronet to the decision of the House of Commons? Was it not evident that he wished the people of England to resist in the same manner as they did in the instances which he had quoted? But to set this matter in a clearer light, the hon. baronet proceeded:—

"But I would fain believe that such is not to be our fate, our forefathers made stern grim-visaged Prerogative hide his head; they broke in pieces his sharp and massy sword; and shall we, their sons, be afraid to enter the lists with undefined Privilege assuming the powers of Prerogative."

Was it possible, after hearing these passages, that any one could refuse assent to the proposition, that the hon. baronet had called on his constituents to resist the doctrine by which Mr. Jones had been committed by the House of Commons, as the only mode by which they could preserve their liberties; that he shewed them how their forefathers had fought for those liberties, and that he then asked them if they were now afraid to enter the lists in a similar contest? In a succeeding paragraph the hon. baronet observed,

"That a power such as this should exist in any country it is lamentable to be obliged to believe; but that it should be suffered to exist, and that its existence should be openly and even boastfully avowed in a country whose chief glory has been its free constitution of government, is something too monstrous to be believed if the proof were not before your eyes."

The hon. baronet concluded by telling his constituents,

"The argument by which I have endeavoured to convince the gentlemen of the House of Commons that their acts in the case of Mr. Jones were illegal, I shall now lay before you in a more full and connected way that it could possibly be done by the parliamentary reporters, and in doing this I shall do all that now remains in my power towards the correction of this, as I deem it, most enormous abuse of power, and most dangerous of all encroachments upon the rights and liberties of Englishmen."

He put it to the House, whether any thing could have been written to Englishmen more calculated to excite their resistance to the authority of parliament, and to bring the character of that House into disrespect and contumely? Could any thing have been written that bore more completely the character of a libel on the rights and privileges of the House of Commons? Could his hon. and learned friend, after his attention had been thus directed to those passages, have any doubts on the subject? If he had, he (the Chancellor of the Exchequer) was persuaded that an adjournment of the discussion for a week, or for any longer period, would not remove them. With respect to the objectionable passages in the Argument, they had so frequently been quoted in the course of the debate, that he would not enter into them minutely. The House were in possession of passages in which the hon. baronet distinctly stated that the proceedings of the House of Commons were systematically against the laws, and in complete subversion of the constitution of the country. Some of the hon. gentlemen who had spoken had no doubt the paper was a libel, but wished to know something about the law; others did not dispute the law, but wished to know something about the libel. He was anxious to satisfy both parties. As to the fact, he trusted, that what he had already stated was sufficient; and with respect to the libel, if a public reflection on the proceedings of that House was not a libel, he did not know what was. Let the House consider the following passage in the Argument:

"They (the House of Commons) have become the proprietors, by burgage tenure, of the whole representation; and in that capacity are inflated with their high-flown fanciful ideas of Majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the King and the people."

His hon. and learned friend declared that he did not understand this, and therefore that it could not be libellous. This much however was perfectly intelligible, that it declared the House of Commons had assumed a power which by the constitution it was not allowed to possess.

The main business of the Argument was to prove that the House had not a right to commit a stranger for a breach of privilege; for the hon. baronet admitted that they had a right to commit a member for such offence. Now, this was a case of doubt, on which the hon. baronet had a right to argue as fully as he chose in the House; but it behoved him to take care in what manner he spoke or wrote on the subject out of the House. It did not follow that that which it was lawful to say in the House, before a decision it was lawful to say out of the House, after a decision; and still less lawful was it to recommend a resistance to that decision. Supposing that he considered the conduct of the House in the case of Mr. Gale Jones as illegal, the hon. baronet had certainly a right to endeavour to induce the House to rescind their proceedings; but when he failed in that attempt, he had no right to call upon the people to resist their authority.

He would now address himself to remove any doubts with respect to the law of the case. The right of the House to commit strangers could be traced as far back as the reign of queen Elizabeth, in which Mr. Hall and Mr. Trower were so committed (on further consideration, the Chancellor of the Exchequer observed, that Mr. Hall was a member not a stranger). Selden had decidedly asserted that privilege. The reign of Charles I. comprised an accumulated mass of authorities to that purpose. In one particular instance, the Kentish Petition, a Committee resolved, that to deny the right of the House of Commons to commit strangers was a gross violation of their rights and privileges. Between the years 1701 and 1774, there were no less than thirty instances of such commitments. In the cases of Oliver and Crosby, the court of Common Pleas and the court of Exchequer both decreed that the House of Commons had a right to commit a stranger for a breach of privilege. There was also the authority of the court of King's Bench for the existence of an analogous privilege of the House of Lords. Lord Kenyon observed, on a motion of Habeas Corpus, to bring up the body of Mr. Flower, who had been committed by the House of Lords, "that if ever a time should come when factious men would attempt to overthrow the government, they would begin by calumniating the courts of justice and both Houses of Parliament."—I solemnly call on the House, added the right hon. gent., to consider whether that time has not arrived.—Where would be the impartiality of the House, if after committing Mr. Jones for a breach of privilege, they should treat a member who, with a better knowledge of those privileges, had violated them, with more indulgence? If they adjourned that on which it was impossible to have any doubt, he did not conceive that they would support their dignity or evince their impartiality and justice. The House was called upon to decide by an imperious duty. If they hesitated to pronounce that against the hon. baronet which they had not hesitated to pronounce against a less distinguished offender, they would sink low indeed in the public estimation. Let the offences of the two individuals be compared. Grossly libellous as the proceeding of Mr. Gale Jones had been, it was trifling and contemptible, compared with that of the hon. baronet. If the House, from an apprehension of doing that which the hon. baronet might perhaps wish, and in which he might perhaps triumph, were to abstain from doing their duty, they would indeed afford him cause of triumph, and would indeed deserve to be triumphed over and trodden upon. In asserting their own rights, they were asserting the rights of the people of England. The only way to maintain their dignity, was to do their duty—to do it temperately—but to do it firmly and impartially. It appeared to him that the House could not hesitate in concurring in the motion of his hon. friend, and he was persuaded that they would not hesitate in doing so.

Lord *Folkestone* contended, that the precedents referred to by the right hon. the Chancellor of the Exchequer, were either misunderstood or misrepresented by him. Indeed the course he recommended that night for the adoption of the House was both extraordinary and inconsistent. In an affectation of candour, he appealed to the grave, the serious, the solemn deliberation of that House. But how did his practice square with his professions? By endeavouring to obtain this sober and solemn determination in the most premature and precipitate manner. An hon. and learned gentleman (sir S. Romilly) entitled to every deference for his unlimited legal and deep constitutional knowledge, had declared that night, that he entertained many doubts upon the nature and tendency of the publication then under discussion. When such a character doubted, were the majority of that House prepared to assert that their minds were satisfied, that their conviction was decided? The right hon. gent. had gone but shortly into the subject, but even in the short excursion that he took, he proceeded every step under the most mistaken views. It was contended by him, that because the House had committed Mr. Gale Jones, there could therefore be no doubt of the right of the House of Commons, and there being no doubt of the right, that therefore the publication of sir Francis Burdett was a gross violation of its privileges. What said the right hon. gent.'s learned friend near him (Mr. Croker)? He told the House that the case of Gale Jones had nothing to do with the present question, and should not be admitted into the contemplation which the House was bound to give that particular question. But he (lord Folkestone) begged to say, that the question at present before them not only comprehended the propriety or impropriety of sir Francis Burdett's conduct, but the truth or falsehood of his doctrine. Upon those points he would ask, was the House conscientiously prepared to say, that they were free from doubts? Were their minds so fully convinced by the arguments and precedents of the right hon. the Chancellor of the Exchequer? As to his precedents, he could easily point out their total misapplication to the inference which he wished to deduce. Indeed the right hon. gent. was so wholly ignorant of the precise facts of the case he stated with respect to Hall, that at first he contended that Hall was not a member of parliament, and in a few sentences afterwards he contended that he was.

There were other cases referred to by that right hon. gent. which were rather extraordinary, drawn as they were from periods of our history, which he trusted even that right hon. gent. would not propose for imitation. There was the case of the Kentish gentlemen, who, for the language of their petition, were sent to prison by the order of that House. Was there a man to be found in the present times who would recommend such a punishment for the expressions introduced into that petition—or rather, was it not such, as in these times, would be more a subject to be approved, than reprobated? It was however resolved that the petition be referred to a Committee of that House to make their report on. Upon the adoption of such a resolution, lord Hartington moved that the rights and privileges of the people should be considered by the Committee, as well as the privileges of that House. It was to be recollected that the period when those events occurred, was one of great political heat and much public agitation. The consequence was, that in the Committee to whose consideration the petition was referred, great divisions and jarring sentiments prevailed. Such a state of things, therefore, led to a report from that Committee, which could now be only considered as a mere compromise between the conflicting parties. But the history of the transaction proved, that at the time when lord Hartington moved that point, the legality of the power of that House to imprison for a breach of its privileges was considered in an extensive degree doubtful. Numerous able and well written tracts were published in support of the doctrine which pronounced such a power illegal, and had even in that period considerable effect in corroborating the assumption, that the exercise of that right was considered by many an usurpation.—But the right hon. gent. not satisfied with his precedents from a more remote period of our history, had thought proper to allude on the present occasion to that assertion of lord Kenyon, namely, that when factious men wished to subvert the government, their first effort was to calumniate the courts of justice, and to entrench upon the privileges of parliament. Really (said the noble lord) above all men I did not expect to hear such an allusion, much less such an application of it, from the right hon. gent. Does he, or can he believe, that because he conceives this House to have the power of restraining the communication of the popular opinion, upon the conduct pursued within its walls, that he therefore can deprive the people of these kingdoms of the faculty of thinking or of recollecting? Does he believe, when he cites the violation of our privileges, as a proof of disaffection and of treason, that the people of England have forgotten the transactions of the two last sessions of parliament? Can they forget the spectacle exhibited to their view, of two cabinet ministers, charged, and I will say morally convicted, of a gross and heinous attack upon the privileges of this House—privileges for which, forsooth, one of them now affects to feel such sincere solicitude? Can the people of England forget that though such violations were not denied, still that the conduct of the accused was not only not censured, but almost not questioned by a British House of Commons? When then the country recollects such events, and when this House cannot forget them, what attention can be paid to such application relative to its privileges, proceeding from that very man who was a few short months past arraigned before that very House as a culprit for the violation of them, and who, though rescued from punishment, has still no claim to acquittal? It is idle to say that the people of this country have no very anxious feelings upon the present subject. I for one never can wish that their voice should be stifled. And therefore it is that I appeal to this House for that postponement of its decision, which will allow the fullest investigation of this most important question, and which must ultimately settle the legality or illegality of this power. There remains one observation of the right hon. gent. upon which I wish to remark. He has in his general condemnation of the paper published by my hon. friend, laid no inconsiderable stress upon that sentence, which as he assumes tends to invite the people to a resistance of the decision of the House of Commons. He cannot have read the paper fully when he ventures to draw such an inference. Had he taken the context into his contemplation; had he reverted to preceding passages, he would have found that the term resistance was coupled with the word legal. It was conveyed in such a manner as must convince every impartial mind that such was the fair and candid interpretation of the passage. If therefore such a difference of opinion as to the nature and to the interpretation of the publication does exist, it is, with many others, a very strong reason with me to vote for the adjournment.

Mr. *Adam* said, he had no intention of entering into the merits of the question, but would confine himself strictly to that of adjournment. He said he had never hitherto been present at, or taken any share in the commitment of Mr. Gale Jones, which had given rise to the question under consideration; and that he could not approve of the discretion which dictated it. He should add, however, that there was not an individual in the House, more sincerely anxious to uphold its constitutional and recognised privileges than he was. Actuated by a desire to support them, he then ventured to trespass upon its attention. When, therefore, a question was brought before it, complaining of a violation of these rights, he must esteem it as most consonant with the character of that House, to have, upon such an occasion, its proceedings regulated by the principles observed in all places were justice was administered. With such feelings, he wished to impress upon the House, that in all judicial proceedings it was a main ingredient, not only that the Court should deliver its judgment, but that, in such delivery, it should state satisfactory reasons for such judgment. It was that principle which made him feel it a duty to request the House, not only to declare its decision upon the publication of the hon. baronet, but that it should also impress upon the people of the country the propriety of that decision. In order, therefore, to produce such impression, it was not alone necessary that the House should decide justly, but it was bound, in regard to the country, to declare that decision in the most satisfactory and intelligible manner, and, therefore, with all due deliberation. How then could it be expected that such an effect could be obtained from the precipitancy with which they were called upon to act that night? The House must be aware, that the accusation brought against the hon. baronet, was not one recently agitated. It was now 20 years since a member had been called upon to answer in that House for misconduct, by publishing a libel on the House or any of its members, and thereby committing a breach of its privileges. This was the case of major Scott in the year 1790. What course did the House of Commons pursue upon that occasion? Did it hurry and almost compel members to the declaration of an opinion, without being able fully to investigate the merits of the case? The House made no such improper exaction. It allowed an adjournment for a week, to enable its members fully to understand that upon which they were called to decide. Though a professional man much practised in professional habits, he (Mr. Adam) was ready to confess, that upon the Resolutions now submitted to them, he had not the opportunity of stating his grounds and reasons for the judgment which he should think himself bound to deliver, on this great question of privilege. In the case of major Scott, to which he alluded, the single act of publication constituted the criminality; yet time was allowed for full and mature consideration. How much more forcible was the claim for postponement now, when the publication complained of, contained long, prolix, and disputed arguments, connected with references extracted from the common law of the land! The case of alderman Oliver, in 1771, also received the most comprehensive discussion, when brought before that House. The right hon. the Chancellor of the Exchequer, with professional habits, and surrounded as he was by so many others qualified to arrange for him the necessary information, might be prepared to go to a decision. But far different was his case; he had nobody to furnish him with materials, he must himself investigate the sources that may enlighten him; and it was impossible that he could apply himself to that full investigation which such a grave and serious charge warranted. He had, however, even after the late hour that morning, endeavoured to acquire some necessary knowledge on the subject. He had referred to the precedent of alderman Crosby, as in some degree analogous. But when the various arguments and referrences of the present publication were taken into view, he defied the most informed lawyer to encounter, on a sudden, the discussion with real advantage to the case of privilege, which was now so boldly questioned by sir Francis Burdett. To do this with satisfaction, due time must be given to collate, compare, and refute the matter asserted. It was that course alone that would be satisfactory. That alone would enable the House to give a judgment, which would not only overturn the doctrine of the hon. baronet; and would establish by clear, cool consideration, the libellous nature of his work; but would be such, as the public would approve, by the deliberation with which it would be given. For what was he anxious? Only that, as the hon. baronet had quoted lord Coke to support his interpretation, so he (Mr. Adam) might have the opportunity of also citing lord Coke to support his view of the privileges of parliament; that as the hon. baronet had brought forward the case of Ashby and White, to corroborate his inferences, he (Mr. Adam) might be able to communicate his interpretation upon it; and in doing so, that he might show, that sir Francis Burdett had quoted lord Coke's works, in which he was treating of civil rights, and of the common law of the country, and not of the law of Parliament.—He was well aware that individual inconvenience was no ground for delaying the proceedings of the House; yet he could not help thinking, that the defect under which he laboured, was felt by very many members of the House; and if there was a general feeling of that sort, surely that was a reason for adjournment, because it was a proof, that though judgment might be given, it could not be given satisfactorily. As to himself, he was not prevented by indolence or want of interest in the question; but as he had before said, it wat absolutely impossible for him then to state his views of the question in a manner either useful or creditable; as, from the moment it was first brought before the House, until the period when he rose, he was engaged by either public or professional duties. Until three o'clock that morning, in the House of Commons, and after the ordinary refreshment which nature required, being kept, if he might use the phrase, in harness all day, it was not too much to ask of those whose situation afforded them the means of being assisted with a variety of opinions, to allow others not so provided, at least a short time for ulterior consideration. If this request was denied him, he would be then reduced to the dilemma, in common with many members of the House, either that he must surrender the privileges of that House, or agree in the condemnation of an individual, without being able to state, in a satisfactory manner, his conviction of his guilt. He hoped, therefore, that the motion of adjournment would be acceded to.

The *Attorney-General* had many reasons for thinking that the discussion ought not to be postponed. He retracted the proceedings on the subject, and contended that if an adjournment took place, it might perhaps be attributed to the influence of motives, to the imputation of which the House ought never to expose themselves. He could not understand the grounds on which the hon. and learned member who had just spoken wished for an adjournment. The question had been treated as if it were a new point, and as if the House in many former instances, and recently in the case of Mr. Gale Jones, had not determined it; for let it be recollected, that the argument of the hon. baronet was against the power of the House to commit strangers, he admitting that they had the power to commit members for breaches of privilege. The House, therefore, would not have committed Mr. Gale Jones, had they not been fully satisfied of their power to do so. If his hon. and learned friend was not so satisfied, why had he not attended the motion for the commitment of Mr. Jones? And farther, when the hon. baronet made a motion for the discharge of Mr. Jones, why had not his learned friend then attended if he entertained any doubts upon the subject. He had abundant opportunity to consult authorities, for the hon. baronet had given a week's notice of his motion. The question however had been discussed in a very full House on this sole ground—not whether the House had a right to commit Mr. Jones in the first instance, but whether his having expressed his contrition at the bar might entitle him to be discharged without a petition. The question at present before the House was—not whether the House was vested with the right of commitment, for that was fully established, but whether the paper of the hon. baronet was a libel or not? If any doubts could possibly exist on that subject, he should be perfectly disposed to concur in the adjournment of the discussion; but it appeared to him that it was only necessary to read the paper, in order to be convinced that it was a libel, and a gross violation of the privileges of the House.

Mr. *Bathurst* observed, that when the business was before the House on the preceding day, he was of opinion, from the nature of the Paper under discussion, that it would be the preferable course that the consideration of the question should be postponed to a future day. He was still of the same opinion, in which he was not guided by the same motives which had influenced the opinions of many hon. gentlemen. He did not think that either with reference to tenderness to the object who was the subject of the discussion, or from any apprehension of the consequence of the result, should the House be induced to pause. On the grand principle of giving the Paper a full and candid perusal, so as that the House might come to a just decision, and not throw discredit on the debates, would he agree to the adjournment. With respect to the particular parts of the Paper, on which much difference of opinion prevailed, some gentlemen pointing out passages which they deemed libellous whilst others were of a different opinion, he thought it was not a fair line of argument to draw such inferences from insulated passages, because the Paper should be taken together. On the other hand it had been urged, that if the House did not consent to delay, the people might be excited to discontent. Without entering into an examination of those topics, he thought it would be better on a question of a doubtful nature not to precipitate the decision of the House. Between these difficulties he would wish to steer a prudent course, and though he would not go the length of the Amendment, yet he was of opinion that at least the discussion should be postponed till to-morrow.

Mr. *Owen*, in explanation, stated that he certainly did understand the passage to which he had alluded as conveying a charge against the House of having imprisoned Mr. Jones under the sanction of the Bill of Rights.

Mr. *Brand* then proposed to move an amendment to his motion; but the Speaker having intimated to the hon. member, that he could not in point of form,

Mr. *Tierney* moved an amendment to the following effect: "That a great question being depending before the House, respecting the Expedition to the Scheldt, which so fully occupies and engages its attention, it is fit that the consideration of the motion now under discussion be adjourned till to morrow se'nnight." The right hon. gent. challenged the gentlemen opposite to deny that the Resolutions last night moved against sir Francis Burdett were of treasury manufacture; (hear, hear!) he would go farther and challenge the right hon. the Chancellor of the Exchequer, to deny if a meeting was not convened at his house, to consider, discuss, and decide upon these Resolutions, which in the person of an independent county member were to be offered to the consideration of that House.

Mr. *Lethbridge*, the mover, rose to utter the monosyllable "No!" to the right hon. gent.'s assertion; and further, said the hon. gent., I declare upon my honour, that the Resolutions which I had the honour of moving are not of treasury manufacture.

Mr. *Tierney* observed, that there was an understanding upon the subject, for the seconder, as he was informed, was there.

Mr. *Blachford*, the seconder, arose, and denied the assertion.

Mr. *R. Dundas* was not surprised the hon. gent. who brought forward the motion of adjournment should have said that the question was one of great importance. Although he should object to the adjournment, his objections were much stronger to the amendment now proposed. With respect to the paper under discussion, his objections to it were not so much to the matter as to the manner in which the hon. baronet had chosen to discuss the subject. The simple question for the House to decide was, whether the hon. baronet had discussed it in such a mode, and in such terms, as were not an infringement on the privileges of this House. As to the assertion, that the Resolutions before the House were prepared at the treasury, he could declare for himself that he knew nothing about them until they were read in the House; nor did he believe the assertion; and he was still more warranted in his disbelief from the declaration of the hon. member himself, by whom these Resolutions were brought forward.

Mr. *Wilberforce* declared, that no man was more firmly convinced than himself, that the privileges of that House ought to be maintained; for he thought those privileges highly essential to the benefit of the people. But he did not think they were to be blown away with a breath; that they could not withstand an attack without adopting sudden and precipitate means of defence. He therefore saw no danger in acceding to the proposition of delay upon this occasion, in order that the House should have the fullest opportunity for deliberation. This was, in fact, a case in which that opportunity ought to be afforded, because it was desirable that those who completely and substantially agreed a principle, should be able rightly to apply that principle, and satisfactorily to state the grounds of that agreement. Such a statement was due to the case, and was absolutely necessary in order to satisfy the minds of the people. The people ought to be satisfied that the privileges of that House were only enjoyed and exercised for their advantage. Upon such a question, the feelings of the people ought peculiarly to be consulted; for it was only in connection with the people, that the constitution of that House could be really strong. For this reason, it became the House to proceed with the utmost seriousness, and gravity, and therefore he was determined to vote for the adjournment. To that vote indeed, he was the more determined, in consequence of the declaration of several members of high character, that they felt themselves unable, from the pressure of time, to make up their minds upon the subject. When a gentleman, for instance, so distinguished for legal knowledge as the learned gent. on the floor (Mr. Adam), and from whom the House had heard to night such sound constitutional doctrine, expressed his inability to determine upon the merits of the paper under discussion, not having had time to consider it, it was surely but proper to grant him that time: but that grant was not only proper with regard to him, but to others in similar circumstances, who concurred in opinion as to the privileges of the House, while they required time to examine, whether the paper under consideration involved a breach of those privileges, or was a proper case for the exercise of the power, which the House possessed, for the preservation of these privileges. He therefore deprecated any hasty proceeding. On this occasion he would, in favour of the principle of his recommendation, quote the authority of his right hon. friend, now no more (Mr. Pitt). It was uniformly the maxim of that right hon. gent., that, on all constitutional questions, he should take such grounds as would serve to separate the really well-intentioned from those who appeared to be of a contrary character. It was really much to be desired, that the House should come to a decision of this case with a cool mind, which was more likely to prevail, by allowing of the intervention of a few days. He wished the House to consider the publication rather as matter of history, and to determine upon it as such. There were many who looked to it with, no doubt, an honest warmth, but that was a disposition ill suited to sober judgment. Let the House consider how their conduct in this transaction should appear in the page of history, even to themselves in a year hence, and so considering, he was persuaded they would cautiously avoid pronouncing any sentence under the warmth of the moment, or proceeding with any precipitancy. If such a proceeding were taken in opposition to the sentiments of those gentlemen of weight and consideration, who called for the adjournment, he felt that the House would be sacrificing the substance to the appearance. While he fully agreed with the right hon. gent. who spoke last, as to the necessity of upholding the privileges of the House, he must still support the adjournment, as the best means of consulting the character of these privileges. Indeed, he could not conceive how any thing could be gained by the advocates of the Resolutions, from a perseverance in resisting the motion of adjournment. For even though it were negatived, it would be impossible for the House, at that late hour of the night (nearly one o'clock) to go into the discussion of the other questions, which must necessarily occupy a considerable time. For these reasons he recommended it to his right hon. friends on the Treasury bench to proceed in the case with peculiar temperance and candour, and above all to avoid any thing that should expose the House to the charge of being actuated rather by passion than by judgment.

The *Master of the Rolls* was of opinion, that whatever decision the House might come to upon the principle of the motion immediately under consideration, it was obviously right that the other question should not even appear to be determined prematurely. Whatever opinion the House might express upon this question, it was extremely desirable that it should go forth accompanied by the fullest grounds of justification. Nothing equivocal or hasty should appear in such a transaction.

Let it be recollected that the judgment of the House was liable to be impeached, and he should be sorry to witness any proceeding that should seem to sustain such impeachment. Therefore he most earnestly deprecated precipitancy, and more particularly as so many respectable members were heard to state that they were unprepared to pronounce any decision upon the subject. He declared, that had he been aware last night that the debate upon the business was likely to extend to such a length, he would not have voted for the short adjournment. There was no reason to doubt, that several gentlemen might have been unable from their various avocations, as yet, to examine this paper, and to decide upon its character. The hon. gent. who spoke last, had put the question under discussion upon the fairest grounds. Gentlemen might be fully agreed in their opinion as to the privileges of that House, and yet unable to determine whether this paper involved a breach of those privileges. Time sufficient for all due consideration ought therefore to be granted. He had read the paper this day, and he was of opinion, that it was a clear libel upon that House. Many who required time for consideration, would, he had no doubt, entertain the same opinion, if that opportunity were afforded. After this motion should be disposed of, it would be remembered that another question would arise for discussion, into which the House could not at that hour be in a state to enter. He therefore, without wishing to influence any other person, would vote for the adjournment. By that course, it appeared to him that the end in view would be attained with more satisfaction to the House and to the public. Whatever the House felt in this case, gentlemen must be aware that they were acting as judges in their own cause. If he were to frame a constitution anew, he was satisfied that he should feel it necessary to invest the House with the privileges it now possessed. Of course he was an advocate for those privileges. But still it must be borne in mind, that the House, in asserting such privileges, were judges in their own cause, and therefore he always thought that, although those privileges were never to be formally relinquished, they were yet to be very discreetly exercised. This case, however, was forced upon the House. He should have been glad not to have heard any thing about it. But it was now impossible to give it the go-by. He was sorry, because he never knew any good to arise out of such contests that could counterbalance the disadvantages. But the House was brought to the alternative, either that it must give up its privileges, and perhaps incur the imputation of timidity; or assert those privileges with manliness. He would have been happy, he repeated, if means could be devised of getting out of such a contest. But that was now impracticable, and in order to bring to the decision as much weight and authority as possible, he would support the proposition for delay, required by those to whom so much weight and authority belonged.

The *Chancellor of the Exchequer* said he would confess fairly, that, after what he had heard, particularly from his learned friend who had just sat down, it would appear obstinate and pertinacious in him to press an opinion, to which, however, he still unfortunately adhered, and refuse to accede to the repeated calls which were made for a further adjournment of this question. At the same time, he begged leave distinctly to state, that upon examining his mind, the last motive which could induce him to yield was any thing like timidity or fear. He believed, indeed, that that was the last ground upon which the House would yield in such a case. The House, he was persuaded, must be alive to the necessity which called for its interposition on this occasion, and that if it declined to assert its privileges, the most serious consequences were too likely to follow. In agreeing to the adjournment, he protested against the ground laid for that proceeding in the amendment, nor could his objection be overruled by the assertion that the other question alluded to in that amendment was of more importance than that under discussion, and that therefore it was entitled to the precedency. (Hear, hear! from the Opposition bench.) He wished it to be understood, that his only reason for assenting to the adjournment was that delay was required. One word as to the cheers of the gentlemen on the other side. Those gentlemen professed a wish for unanimity, and yet when that disposition appeared, they exulted in it as a species of triumph. With this short remark he would leave those gentlemen to enjoy their triumph.

Mr. *Ponsonby* asserted, that the right hon. gent. was not justified in the language which he had thought proper to apply to his side of the House. It would be remembered, that he had yesterday distinctly maintained that time for deliberation ought to be afforded upon the very grounds precisely which the learned gent. on the other side had urged in the course of this night's discussion. It did not therefore become the right hon. gentleman to impugn the conduct of the gentlemen on his side of the House. But as to the right hon. gentleman's allusion to our triumph, said Mr. Ponsonby, he really rates himself too high and us too low, if he supposes that there is any thing in his conduct or character which should make us feel elated by any triumph over him.

The Amendment was accordingly withdrawn. Upon the question being put for adjourning the debate till to-morrow s'ennight, some Noes were heard, but the Speaker declared that the Ayes had it. Mr. Lethbridge declared the contrary, and a division was called for. Before, however, the whole of the strangers had withdrawn from the gallery, Mr. Lethbridge was induced to withdraw his opposition.

HOUSE OF LORDS.

Thursday, March 29.

[Campaign in Spain.] Lord *Grenville* ose, and said, that he held in his hand cerain papers which had been laid before heir lordships, respecting the conduct of he late campaign in Spain. Further paers had been moved for, some of which ad been delivered to their lordships, and thers were daily expected to come from he printer's. In looking over those vhich have already been delivered, he ad discovered a fresh proof, either of the ulpable neglect, or the palpable incapaity, of his Majesty's ministers. They ad now published papers, (a thing, he beieved, almost wholly unprecedented,) vhich went not only to compromise the haracters, but to expose the lives, of ersons officially or confidentially emloyed in Spain. This, he believed, was he first instance, in diplomatic corresondence, in which persons of the descripion he alluded to, had been so compronised. He thought the matter a most seious one; so much so, that he should ow give notice of a motion, which he hould submit to their lordships, to-morow, respecting the propriety of deferring he farther publication and delivery of ose papers, until the nature and tendency of their contents were better ascertained. In the absence of the noble lord (Wellesley) to whom these matters more particularly, but not exclusively, belonged, he should not now enter into any details, wishing, however, to be informed by the noble secretary opposite, (lord Liverpool) whether more, and what papers, were intended to be delivered.

The Earl of *Liverpool* had only to observe, that the papers alluded to by the noble baron had been divided into two sets, those that belonged to the diplomatic and those which belonged to the military department. He believed the diplomatic papers were already before the House, as they were in a greater degree of forwardness. The remaining documents, viz. the military papers, would soon be ready; but, in the absence of his noble friend, he should likewise decline going into any detail on the subject, while he expressed a wish, at the same time, that the production or non-production of the papers should not be decided by motion, but by an understanding that no further papers should be delivered until after the discussion, of which the noble baron had given notice for to-morrow. In the mean time he should take occasion to communicate with his noble friend.

Lord *Grenville* expressed his acquiescence in the noble earl's proposition, and it was ordered that the House be summoned for to-morrow.

HOUSE OF COMMONS.

Thursday, March 29.

[Expedition to the Scheldt.] On the order of the day for resuming the adjourned debate on the policy and conduct of the Expedition to the Scheldt, being read,

General *Tarleton* rose to reply to the speech delivered on a former night by general Craufurd. That hon. general had described the horrors of campaigns that never existed, and entered minutely into the particulars of assaults, ambuscades, stormings, and other miseries of war, so much that it was enough to deprive members, who were not military men, of their sleep. He had then gone into a disquisition on the fallibility of man, illustrating thereby the fallibility of ministers; and, he really believed, that a more fallible set than the present, in war, never existed. The hon. general then examined the chances, and explained the probable hardships of a contest, supposing 40,000 troops had been transported to the north of Germany, to act between the Ems and the Weser. But this was not required, for all that Austria asked of this country, was, detachments of cavalry and artillery. From Germany, the hon. general travelled into Spain; and here he agreed with him, that from the season of the year, nothing could have been done in that quarter. From Spain, he went to Italy, and contended, that to this point an Expedition would have been too late. He (general T.) did not think so. As ministers were in possession of information of what was passing between Austria and France, so early as December, 1808, they might have had an effective force joined to the 20,000 men already in Sicily, ready to act, where alone the enemy was vulnerable, in time sufficient effectually to co-operate with Austria. But they would have the Scheldt, and nothing but the Scheldt; and an Expedition, to waste our resources, must be sent somewhere. He was firmly convinced that, having now overcome all opposition on the continent, we must expect that the greatest warrior of this or other times would gratify his ruling passion, by an invasion of this country. It became us, then, to husband our means of defence, and not squander them in such a manner and upon such fruitless enterprises as the calamitous Expedition to Walcheren and the Scheldt. He denied that this Expedition was any diversion in favour of Austria; as, before it sailed, ministers knew of the battle of Wagram, and the conclusion of the armistice. Whenever they were informed that Napoleon had entered into negociations, experience ought to have taught them to anticipate the complete triumph of France, and the certain prostration of Austria. Such had been the consequences to the powers who treated with him after the battles of Marengo, Austerlitz, and Friedland. A noble lord (Castlereagh) had told them, that the general officers, with whom government chose to consult, were not, when they delivered their opinions, in possession of the facts on which government decided. These officers were rash in declaring their opinions, without a perfect knowledge of the grounds on which they stood; and as no *data* had been given them, he considered the consultation of government to be one of the greatest mockeries and insults ever offered to the military profession. The hon. general opposite (Craufurd) had commented somewhat too severely on the evidence given by a worthy friend of his (sir W. Erskine,) in whose answers so much accuracy, information, skill, judgment, and intelligence was displayed, as to make him almost believe that the soul of his illustrious father again lived in him. There was no similarity between the late campaign and that of 1746, for then we were masters of the country, and able completely to invest the fortified places; while in the last campaign the relief every day to be expected from their friends, would induce the besieged to hold out to the last extremity. He then proceeded to remark on the evidence of gen. Brownrigg, for whose professional knowledge he professed very high veneration. That general had given it, as his opinion, that the Expedition might reach Santvliet, and land in divisions, on the 1st, 2d, and 3d of August; and in 13 or 14 days, accomplish all the objects in view and be on their return home. This was a mere visionary opinion, upon which government was so much buoyed up, as to undertake this impracticable Expedition, where every thing depended on the *veni, vidi, vici.*

He should now take a view of the campaign, and see how different to these pleasing speculations, which the planners of it indulged in by anticipation so confidently, every thing turned out. After an unaccountable and culpable delay of nineteen days, the army obtained possession of Flushing. With regard to the capture of Walcheren, their operations were as slow and clumsy as any he had ever had occasion to contemplate in the whole course of his military observation. Instead of proceeding in the way they did, as time was their object, they ought to have marched down at once a single column of 6,000 men. By these means they would have cut off the reinforcements thrown into Flushing from the country, prevented inundation, and, if the garrison came out to fight, terminated the affair, by defeating them, and entering the town with the flying enemy.

As for the operations against Antwerp, there appeared some contradiction between the evidence of general Brownrigg and the other officers who had been examined, as to the state of its fortifications. General Brownrigg appeared to have paid more attention to the suburbs and outworks, than to what in general more occupied a soldier's attention—the height of the ramparts, and depth of the ditch. In his opinion, respecting a landing at Cadsand, he was also at variance with other officers. Having animadverted upon gen. Brownrigg's opinions, on this point, the hon. general also argued against the opinions of gen. Mac Leod, that a bombardment of Antwerp would have had any effect, and of gen. Sontag, that it might be easily compelled to surrender; and contended, upon the whole, that the fall of this place could not be expected so early as ministers were led to calculate upon. The noble lord (Castlereagh) had brought before the House many instances of failure, as if all the failures in the world could ever exculpate him from his share of responsibility upon this disastrous Expedition. He had gone to the Dardanelles, to Egypt, to Buenos Ayres, and when the winds failed, had tried the waves, and steered to the Baltic. After endeavouring to excuse his failure, he had tried to make them believe that the expence was no more than 800,000*l.*; but surely they must be blind and lame who could give credit to this. He would mention a few of the extraordinary items in which the expence incurred must have been very great. It must have been very great in transports; in the additional ships of war placed in commission; in the great and expensive changes in these ships, taking out their guns and taking in horses; in the hospital ships, fitted up in the peculiar way they were; in the commissariat department; in the expenditure of ordnance; in the medical department; in the new staff appointments; in secret-service money; in materials for building, bricks, lime, &c.; in the flotilla; in the carrying out of general officers; in the miscellaneous charges; and in the loss of 7,000 men, the expence of recruiting whom, estimated at 40*l.* per man, in itself would amount to little short of half a million. Upon all these items the expence could not reasonably be taken at less than 3,000,000*l.* When our force arrived at Bathz, then it was that the officers, so sanguine in England, discovered that the object of the Expedition was impracticable; that Lillo was not to be taken; that Antwerp was not to be approached, and that the shipping, the great end of their equipment, were moved entirely out of their reach. He would not go into arguments on the unhealthy season selected by ministers for this Expedition, and the cruel detention of the men at Walcheren, after the ulterior objects were given up. The whole transaction, for absurdity of design, and profligacy of expenditure, among all the vacillations of ministers, stood pre-eminent for folly and ignorance. He must therefore give his vote against the Amendment.

General *Craufurd* explained. It had never been said that government kept back information from the officers they consulted, but that the information that resolved them was received after that consultation, and induced them to determine upon a measure, to which they had previously inclined, but upon which they had not already made up their minds.

Mr. *Rose* said, he would not undertake nor was he competent to follow the hon. general through all his military details and observations, particularly as all his arguments went against the operations in Walcheren, in approbation of which a vote of the House had passed. He contended, however, in opposition to the hon. general, that the Expedition had operated as a diversion in favour of Austria, and had drawn troops from the north of Germany, which would otherwise have been brought to bear upon the Danube. The Expedition was prepared and in readiness, before the news of the armistice was received; and would the hon. general and his friends have, merely on that account, laid it aside, without doing any thing? By being sent to the Scheldt, it had drawn general Gratien, with 7000 men, from the north of Germany; it had brought the garrisons from Stettin, Custrin, &c. and the whole Westphalian army was on its march to oppose it. But, even stripping the affair of its merits as a diversion, after the hopes of assisting our allies were over, the British object was worthy of the Expedition, and the taking of Flushing alone, could it have been retained, was worth the whole expence. This was not his opinion alone; it was the opinion of men, to whose sense and skill the country would ever bow with deference, and not expressed privately to him, but publicly, to public men. Lord Nelson, when employed against Boulogne, had declared it to be his opinion, that the conquest of Flushing was the most important object this country could achieve. In his letter to lord St. Vincent, on the subject, he stated, that to get to Helvoet or Flushing, and destroy the enemy's shipping, would be the greatest service that could be rendered to the country. He offered to undertake the task, stating, that it would require a week's time, and 5 or 6,000 men. This shewed that lamented hero's opinion, that the greatest danger of invasion to his native land was from Flushing, and that it would be of no difficult conquest. The same was the opinion of commodore Owen; than whom a more skilful, discerning, and excellent officer did not grace the British service. Here the right hon. gent. entered into a handsome eulogium on the distinguished officer whose name he had mentioned, and who from his gallantry, activity and promptitude, in every emergency, had attracted the peculiar notice and friendship of lord Nelson. He entertained similar opinions as to the importance of Flushing; and it was from such authorities as these that he (Mr. Rose) drew his argument, that the conquest of Flushing alone (could it have been retained) was a sufficient object to justify and indemnify us for the expence of the Expedition. By the possession of that port, where 20 sail of the line could lie in the basin, fully equipped, and ready to come out with an east wind, we would avoid the great expence of keeping two fleets, on different stations, to watch the enemy. It would also have been more effectual than even destroying the enemy's shipping. For, though we destroyed his ships, they could be replaced, while the forests supplied the timber; but, by possessing Flushing, we utterly annihilated Antwerp, and all the fleets in the Scheldt. The right hon. gent. then went into an examination of certain parts of the evidence, to shew that sir R. Strachan, capt. Cockburn, and others, from 13th August to 29th Oct., continued to think Flushing of such importance, that it ought not to be given up. That it ought not to be given up, on account of the security retaining it gave to this country, as well as with an eye to future operations against the enemy on the continent. There was another consideration attached to this subject. Even though we were unable to have kept possession of Flushing, could we have destroyed the navigation of the Scheldt? Such a service would have justified the Expedition.—He shewed, from an extract from a letter of sir R. Strachan, that, on the 13th Aug., he had considered that as practicable. Ministers also were therefore justified in having thought it attainable. The hon. gent. had accused them of being the most fallible ministers that ever this country saw, and a noble lord (Porchester) had described this as the most disastrous of all expeditions; a review of our history however would shew that these assertions were not well founded. He would not go back to the great failure of prince Eugene and the duke of Savoy; but take a short retrospect, from the end of the reign of queen Anne, and from thence prove, that other ministers had been as fallible, and other expeditions equally unsuccessful. He did not mean to throw a shade on the enshrined virtue of those distinguished men; but it was impossible to look into their history without finding that they had, in their zeal for England and England's glory, sometimes attempted projects which they were unable to accomplish. He looked to the celebrated attack on Toulon, by an army under prince Eugene, and a fleet under the command of a great British admiral. That attempt, concerted with wisdom, and prosecuted with bravery, proved abortive. An allusion had been made to the attack on Rochefort, and the force employed there stated as holding no comparison in point of numbers to that employed in Walcheren. But draw the comparison of those separate forces from their proportion to the whole force of the kingdom as it stood at the periods of those two Expeditions, and they would be found close upon an equality. The Rochefort Expedition was undertaken with all advantages in its favour. Accurate information had been obtained; the Expedition itself had originated in the memorial of a most able officer; and yet the whole service done was the capture of the little isle of Aix. Lord Howe, in the Magnanime, with a pilot on board, better acquainted than any man in England with the French coast, was run aground within two miles of the island.—On the return of the Expedition, the public expressed no displeasure, until a clamour was gradually excited, when sir J. Mordaunt, the commanding officer of the Expedition, was brought to a court martial. Much ridicule had been thrown on the idea of taking Antwerp by a *coup-de-main;* but without attempting to set himself up as a judge of military matters, he had strong authorities for his belief of what might be done by a *coup-de-main.* (He then read some extracts from a military work, in which general Ligonier's opinion was given on the nature and uses of the attack by *coup-de-main*, and a narrative of the capture of Bergen-op-Zoom by general Lawendahl by a sudden attack.) It was, said he, by a *coup-de-main*, that this fortress, then the strongest in the world, was taken. Ismael, with a large army within its walls, was taken by the same rapid and bold assault. But to revert to the Expeditions of which he had been previously speaking. Lord Anson, when first lord of the admiralty, sailed with an army on board, commanded by the great duke of Marlborough, on an expedition to the coasts of the Bay of Biscay. That expedition returned, *re infectâ;* the Duke went to command in Germany; and general Bligh, at the head of the forces, landed to destroy Cherbourgh. He could there do nothing more than burn a few merchant ships, destroy a basin, and carry off a few brass guns. He marched a short distance up the country, and was attacked; his return to the shore was impeded, and on the embarkation at St. Cas, his rear-guard were taken prisoners or slain. Thus ended that expedition. He (Mr. Rose), now turned to another instance, in which nothing but accident could have prevented a total failure. It was on the expedition under general Barrington against the French West India islands. After a two months resistance, Guadaloupe was taken; but the general, in his dispatches, acknowledged himself deeply indebted to fortune that it was not lost to the country, as count Beauharnois, the father (said Mr. Rose) of, I believe, the vice-king of Italy (a laugh)—appeared off the island at the moment of its capture with 2,600 men, whose arrival, a few hours earlier, would have foiled the whole Expedition. He then turned to more modern times, and hinted at the Dardanelles, Egypt, and other miscarriages of the last administration. He did not state these things in order to throw any censure on any administration, but to disprove what had been asserted; and to shew that if nothing was ever to be undertaken but with an absolute certainty of success, nothing worthy a nation would ever be done. After enumerating some additional cases of unavoidable failure, Mr. Rose proceeded to reply to other points, which had been touched upon in the course of the debate. It had been asserted that the expence of this present Expedition must have been understated at 800,000*l.* The calculation of an hon. general (Tarleton) ingeniously swelled it up to three millions, but the idea was absurd. The estimates were all before the House, and it was idle to suppose public officers capable of putting so low and unartificial a trick on the common sense of the House; 246,000*l.* had been charged for ordnance transports. This was the charge not of the ordnance, but of the transport board, with whom those matters lay, and whose peculiar province and duty it was to collect all transport services, which were formerly separate, into one system and direction. He still felt the most perfect conviction that the retention of Flushing was a wise measure; and when the country had given itself time to consider its value, and calmly estimate the dangers which menaced it from that quarter of the enemy's force, he was convinced that their judgment would be altogether in favour of the wisdom which planned the Expedition, and the policy by which its great objects were endeavoured to be retained.

Lord *F. Osborne* (in a maiden speech) said, he should not venture to deliver his opinion or trespass upon the attention of the House to night, when he was aware the time of the House might be so much better engaged, did he not feel it to be his duty on a question of such importance, not to give a silent vote. The question, as it struck him, was, whether ministers in the Expedition they had undertaken had made a wise and judicious use of the means entrusted to their care? After a result which had so little satisfied the expectations of the nation, an inquiry seemed generally to have been required, and that inquiry had taken place in that House, where alone it could satisfactorily proceed. After an attentive perusal of every part of the case, it did not seem to him that the evidence was calculated to excuse, but, on the contrary, that it went wholly to condemn the ministers, by whom the Expedition had been undertaken. The invasion of Holland in the year 1799, should have shewn them what chance they had of success in adventuring on similar enterprizes in future. Even after the Expedition was ready, ministers should have looked to the state of the country they were about to attack, before they sacrificed the army. They should also have looked to what the shoulders of the people of this country would bear, before they added six-pence to the expences, which already pressed on them so severely. It was alledged, that we might have taken Antwerp by a *coup-de-main.* He agreed we might have got possession of the town in this manner, but he contended, that ministers could never have expected, if at all informed on the subject, to possess themselves of the citadel, or of the shipping, without a regular siege. On whom then, he asked, did the blame lie? On ministers. Nothing could have been expected, but what had happened; disgrace. But this was not all. Ministers were responsible for the lives of the soldiers who had been left there to perish by the contagion of the climate. Not only were ministers without information as to the nature of the diseases incidental to that inhospitable climate, but it appeared from the evidence on the table, that they had not even taken the trouble to apply for information on this important head; it appearing in evidence, that the surgeon-general was not consulted till after the Expedition sailed.

Lord *George Grenville* observed, that, in addressing the House after the long and able discussion which had been had on the policy and conduct of the expedition now under consideration, he should think he trespassed unpardonably on the time of the House, had he the vanity to think he could throw any new light on the subject. In a question of so much importance, implying or not implying crime against the Ministers, he assured the House he rose with great diffidence. He was not in the House on the first night of the present discussion, to observe how fondly the noble lord (Castlereagh) clung round the instance of the expedition to Rochefort, as being a precedent intirely analogous to the present case. The noble lord, however, would pardon him for not being able to discover either in the geographical description, or in the result, any of those striking features of similitude which seemed so forcibly to have occurred to his lordship. He begged leave to read an extract from a Narrative published on that occasion under the sanction of earl Chatham (then Mr. Pitt) Secretary for Foreign Affairs at that period.—From that Narrative it appeared, that the original design of the expedition had been suggested to the commander in chief by a capt. Clarke of the Engineers; the commander in chief approved of the plan, and recommended it to the Secretary of State for adoption. It, therefore, was undertaken after previous inquiry, at a time when our resources were flourishing, and the French were reduced almost to the last stake; its failure, too, did not seem to call for parliamentary inquiry against the ministers, but the commander, sir Jo. Mordaunt, was tried by a court martial, and dismissed the service. Here, however, the case was very different. The Expedition was undertaken without investigation, for, so far as the opinions of the general officers were taken on the subject, they were against the attempt. Here a parliamentary inquiry had been judged necessary; the army here employed was almost the last remaining army of the country; the period was that in which the strictest regard for economy had become indispensably necessary, and in which the utmost care to prevent a single shilling of unnecessary expenditure was the incumbent duty of the guardians of the public purse. Such were the circumstances and such was the period when the Expedition to the Scheldt was undertaken. As a diversion in favour of Austria, it could have no effect. Previous to its sailing, the last blow had been struck against her, and she had sunk at the mercy of France. If he could point out any one part of this Expedition more desperate than another, it was the retention of Walcheren, after success was seen to be impracticable, by which step we had become the laughing stock and jest of all Europe, particularly of our enemies.

Mr. *W. Fitzgerald* rejoiced that it was agreed on all hands that no imputation rested on the naval and military commanders of the Expedition, and that their conduct might be set out of the consideration of the subject which must be discussed solely with reference to his Majesty's government. He contended that it had been distinctly proved by the evidence of the quarter-master-general and the adjutant-general, that our military means would not allow the formation of any prior expedition. With respect to the risk, the knowledge of that possible risk accompanied not only the progress, but even the contemplation of the plan. Government, however, satisfied of the advantages which the Expedition was intended to produce, by the destruction of the accumulated naval means of the enemy, hazarded their own responsibility, and left wholly out of view the minor consideration of the tenure of their official situations. The gentlemen opposite at one time contended, that the force at Antwerp was so great, that it was impossible successfully to attack it; and at another time that the Expedition had not created any diversion by the recal of troops from the Danube, for that the garrison of Antwerp was in an efficient state. One or other of these assertions must be true. The fact was, that the Dutch army had been recalled from Stralsund solely for the defence of Holland.—The noble lord by whom the debate had been opened had assumed too much, when he said that the opinion of every military man who had, or might have, been consulted on the subject, ought to have deterred government from the attempt. To refute this position the hon. gent. entered into an examination of the military opinions in evidence, and contended that that of general Brownrigg particularly, whose sentiments (without making an invidious comparison) were as worthy of attention as those of any officer whatever, thought favourably of it; he having declared, that even on the 25th, had it not been for the sickness of the army, he should have recommended their advance in the confidence that they would have done much to meet the hopes of the country. There was another question also which mingled itself with the consideration of the possible surrender of Antwerp to a bombardment, and that was the probability that that town might be indisposed towards the present dynasty of France. As to the melancholy consequences of the retention of Walcheren, he assured the hon. gentlemen opposite, that they did not monopolize all the feelings of sorrow for the valuable lives which had there been lost by the pestilential effects of the climate and the diseases incident to it. The question was, however, whether the importance of the object (an importance acknowledged by several successive administrations) would have justified his Majesty's ministers in the peculiar circumstances of Europe—in the balanced state of the war between France and Austria, to relinquish such a possession, whilst the retention of it could possibly operate in favour of Austria. Walcheren was evacuated in October; how much sooner would the hon. gentlemen opposite have had it evacuated? Would they have had it evacuated when lord Chatham urged its retention, and when sir Richard Strachan wrote home, conjuring ministers not to take any hasty step on a subject of such importance, both in a naval and in a military point of view? Before it was evacuated when that measure was determined upon, it was incumbent on us to render it less available to the enemy as the means of menace and annoyance. Orders were consequently given to that effect as soon as the treaty between France and Austria was known, and as soon as those orders had been carried into execution the evacuation was effected. If all the arguments which he had used were well grounded—if there was no doubt of the policy of the Expedition—if no Expedition could have been undertaken at an earlier period—if no other Expedition could have been undertaken with so fair a prospect of success, or indeed with such combined hopes of advantage—if the naval and military execution of the enterprize were free from blame—if no dishonour had tarnished his Majesty's arms, then he thought the House bound to concur in the amendment of the hon. gent., to which he unaffectedly declared, that he agreed with greater satisfaction than on any former occasion of a similar nature.

Mr. *Grattan* declared his reluctance to enter into any contrast between the military enterprizes of his Majesty's government, and those operations of military policy conducted under the administration of the great lord Chatham. He would at once proceed to the immediate discussion of the great question before them, and try it upon its merits as detailed in the evidence collected at their bar. It was idle to assert that, in viewing the policy of the late Expedition, much was obtained by the conquest of Flushing. Would the right hon. gentlemen opposite contend, that for that acquisition alone such an armament should have been sent out? If they did, he would in answer tell them, that for such an object, the sacrifice of so many lives and of so much treasure was unwarrantable. (Hear! hear!) But it had been averred, in defence of the detention of that pestilential island, that sir Richard Strachan had conjured the government not to issue orders for its abandonment, until he should have a personal communication with them. Let us for the purpose of duly estimating the authority of that officer upon that point, take into our consideration the whole of his expressed opinions. It was true, that he did write to the admiralty in the manner specified. But what was his final impression upon that subject? Did he not tell you, at the bar, that if he had calculated the incidental expence, and the increasing sickness, he would not have thought the detention advisable? That information the government must have had in their possession when they received the letter of the gallant admiral, and therefore it was a most idle paradox to fortify their conduct in continuing a British army in that scene of contagion, upon the unexplained desire even of such an officer.

A right hon. gent. (Mr. Rose,) had endeavoured to establish the inference, that it was wise to have attempted the conquest of the isle of Walcheren, because it had been recommended by lord Nelson to make such an attempt at a former period with 5,000 men. Now, it by no means follows, though to make an attack upon it with 5,000 men should be proper, that therefore it was wise, under the present circumstances, to retain it with an army of 20,000 men. Besides, what were the admonitions of sir Eyre Coote and general Don? Did they not tell his Majesty's government, that it was absolutely necessary to send out a new force, not alone to defend the unprofitable conquest, but to protect from the enemy your dying army in their hospitals? The noble lord (Castlereagh,) late Secretary for the war department, had argued upon the propriety of that policy, which, in the state of Europe, during the late struggle between Austria and France, recommended an armament from this country to operate as a favourable diversion for the former power. In compliance with the dictates of that policy the late armament was prepared. It was prepared before the Armistice concluded between the two armies in Germany was known in this country, but it did not sail until that event was undeniably certain. Then was it to be contended by the minister, that the course which was right to pursue before such a state of events was known in this country, was also right to be carried into practice after it was fully ascertained that a most lamentable change had taken place in the situation of our allies—such a change as left no chance for the success of that object, to accomplish which this very Expedition was originally planned. That was, in other words, that you should follow up that very course in the event of peace, which you have just decided upon as applicable to a state of war. So much for the strength of that part of the defence, which rested upon the proposed diversion in favour of Austria. There was also another observation of that noble lord, in which he argued that the Expedition was justifiable, because the disposable force of the country happened at that period to be extensive. Now to what length did this argument extend? It extended to this, that because we chance to have unemployed a very large portion of our army and our navy, it is necessary that we should be doing something. No matter how hazardous the enterprize; no matter how unauthorized our policy; the defence of the minister is, that we had such a force, and therefore we ought to get rid of it. Ministers cannot now shrink from the whole responsibility of this great failure, inasmuch as it has been the sole offspring of the inveterate adherence to their own views. Had they been inclined to accede to the intelligence and information of the officers whom they consulted, it was impossible that they could have ever determined upon such an injudicious and fatal enterprize. Those generals had given no dubious, undecided answer; there was nothing equivocal in their inferences; but one and all exclaimed against the insanity of the proposed project. It was, however, not to be overlooked, that even those answers had the effect of rescuing the country from a more aggravated calamity. The House must recollect that lord Chatham had stated in his evidence, that it was one of the projects of the Government to make the attack upon Antwerp by the route of Ostend. From the mischievous consequences of such an attempt, the country had the good fortune of being protected by the unanimous protest of the five general officers with whom the government advised. They mitigated the temerity of the minister, by the decided firmness of that protest, and at the same time, that they saved the whole of the army from absolute ruin, afforded the most convincing illustration of the doctrine, that upon military objects, your best dependence is upon the advice and intelligence of military men.

Contrasted with the ruinous project of commencing operations by Ostend, the combined operation in the Scheldt had only the comparative advantage of being less impracticable. Such was the opinion of all the generals almost, who were consulted or employed. Some who had their doubts before the sailing of your armament, found, when they arrived upon the spot, when they were acquainted with all the local circumstances, those doubts fully confirmed. Lord Rosslyn had stated, in answer to a question, whether the failure was the consequence of the delay, that he did not think this formidable expedition would have at any time succeeded. Sir Wm. Erskine told you, that within a week Antwerp could have been secured against a siege; whilst lord Chatham, the officer selected by the government to command that expedition, stated not only that he had his doubts, which were borne down by the admiralty, but that he did not place the fullest confidence in the intelligence which had been communicated to his colleagues. The naval officers also afforded nothing that did not tend to discourage any prudent or circumspect government from embarking in such a hazardous and desperate project. But ministers had intelligence of a secret nature from abroad, which had the effect of multiplying the objections of the general officer, and of confirming themselves in the propriety of the policy with which they were originally impressed. What has the Report of the Secret Committee communicated respecting that intelligence? It has given, first, a memoir of the state of Walcheren in the year 1803; secondly, another memoir of the state of the same island, in the year 1805, drawn up by a Dutch officer, with notes by captain Owen. The third is a return of the enemy's forces in that island, anonymous and without any date. And, lastly, a return of the enemy's forces in the vicinity of Antwerp, extracted from a printed French army list, of the year 1808, found in the possession of a French officer, who was taken prisoner in Catalonia. Besides, there were some suggestions from a secret person, that, for the defence of Antwerp in case of attack, no reinforcements could be spared from Holland; and on the side of France supplies could not be forwarded before the expiration of a week. Here, then, was the great inducement which engaged ministers to dispatch their formidable armament to the Scheldt. For the attainment of their object, they had the chance, that if they did their business in a week, the French would not be on them; but if not within that time, they must be ruined. Aye; but such stimulating inducements received a considerable increase of influence from an occurrence of mighty promise, which had a short time before taken place at Rotterdam. Before he should relate that occurrence, it was necessary to state, that it was furnished by his Majesty's government, to prove that they had justifiable reasons for expecting that there existed at that period, in Holland, a strong inclination to actual resistance against the tyranny of France. What then was this event so replete with public hope? It was the rescue by a mob, of some boys brought up in a poor-house in Rotterdam, from a party of French soldiers, who were hurrying these boys to the army. Was it possible that any government could think of sending out an expedition of forty thousand men upon the futility of such intelligence as that? There was also some comments in the Report of the Secret Committee upon the information received from a person described to be a young man, of the state of Antwerp, in the year 1803. There was one proof of the accuracy of that source of information; for the same individual, though he acknowledged to have passed through Breda, upon an inquiry whether any works had been newly erected there, stated, that if there had they had escaped his observation. Was it, he would appeal to the House, consistent with the duty which statesmen owe that country whose interests they are bound to protect, to hazard its honour and its security by equipping a powerful armament, and destining it to a most unfortunate point, upon such intelligence as has been described?

It might be perfectly true, that, on the 17th of July, Antwerp might not have had a very considerable garrison; but that on the 7th of the succeeding August, such a force might have been collected from nineteen garrison towns in its vicinity, as would have insured the complete defeat of your army. This was an inference not founded, as the noble lord would have it, upon the nature of the project, but resting upon the nature of the evidence elicited at the bar. For what confidence could that House now place in the communications upon which ministers acted, when every stage of the Expedition confirmed their falsehood. Cadsand, they were told, was without troops, and Lillo not in a state of defence. Lord Huntley found in Cadsand 2,000 men to oppose his debarkation, and heard that the whole force of the enemy amounted to 7,000. What said sir Richard Strachan at the bar? He told you that with respect to the state of both, he found himself deceived. It was true that with respect to Antwerp, general Brownrigg had endeavoured to prove the project practicable, by shewing, that under certain assumed circumstances he could have carried it into execution. But in answer to this alledged practicability, he would ask why, if the attack upon Antwerp was thus easy and obvious, was not lord Chatham brought to trial for the failure? How was it that if 17,000 men could succeed against the fortified town of Flushing, containing a garrison of near 10,000 men, an army exceeding 20,000 men, could fail in their attempt upon Antwerp, without a garrison, with guns dismounted, and perfectly unaware, as ministers say, of the invasion of an enemy? Was it to be understood that the local difficulties were to swell into importance, when they were to justify the retreat of the army, but were to dwindle into trifles when brought forward to exonerate the minister? Upon what fair presumption then can the minister call upon that House to regulate its decision by a reliance upon evidence, which it knows to be false, and to neglect evidence which it must feel to be true? It must feel that it has been proved that in every part of the proposed arrangement, the result falsified the intelligence upon which the attempt was made. But whilst it falsified the grounds upon which the minister rested, it realized every prediction of the men who foreseeing the failure had foretold the fatal result.

The history of that Expedition, though short, was lamentably decisive. It sailed at the period, when, as predicted by sir Home Popham, the foul weather begun, and the elements were in hostility. It sailed after the armistice had been concluded between Austria and France; at a time when the fortune of war had decided the fate of your ally; when, if she had had the calamity of lending an ear to your recommendation to renew hostilities, the measure of her miseries would have been filled up, and the hopes of her recovery blasted for ever. Why should this country have put to hazard even the accidental revival of her unfortunate ally?—With what consistency can the right hon. gentlemen defend this diversion, which they say afforded to Austria the chance of recovery from its misfortunes, at the same time, and in the same breath, that they argue against the propriety of having sent a force into the north of Germany, with a view of assisting the numerous insurgents then in arms? Why, say they, should we here encourage those to an ineffectual resistance to the power of France, only to subject them to more aggravated oppression? Why then endeavour to allure Austria after her fall to the renewal of a struggle which would have for ever sealed her subjugation? Behold then the prospects under which this most calamitous armament left your ports. The season changed; the elements adverse; your ally, for whom the diversion was to be made, discomfited and ruined; and suing for terms of peace with the conqueror in her capital, whilst pestilence and plague were awaiting the arrival of your armada, to commence with ravenous appetite their contagious warfare against your gallant defenders. But the authors of these calamities contend, that this House should not try, by mechanic rules, the unmeasurable spirit of the British heart. They appeal to the feats of our ancestors, and to the glories of our history, to palliate the effects of ministerial temerity and ignorance. Do they forget, that when that spirit was excited—when those glories were displayed, they were directed against the ancient enemy of their name? It was in the hard-fought battles with battalions of France or Spain, that Britain obtained her proud pre-eminence, not in the inglorious struggle with pestilence and plague. Shall then a ministry, responsible for such calamities, find excuse in an appeal to the history of our courage? Is this excuse to be allowed to men who continued, amidst disease and putrefaction, an army of twenty thousand men, at the very same period that they had advices, that in another quarter of the world, in Spain, the ranks of our heroes were hourly thinning by the progress also of an epidemic malady?—In my conception of public delinquency (said Mr. Grattan), there can be no conduct more reprehensible than that of his Majesty's ministers, except indeed the conduct of this House, if it should be so forgetful of its duties, as not to condemn them. (Hear, hear!) This House has lately censured lord Chatham, for an attempt to set aside the responsibility of ministers; let it then take care, that its conduct upon this occasion does not tend to establish ministerial impunity. Decided as I feel upon their misconduct, I give my most sincere support to the Resolutions originally proposed by my noble friend.

Mr. *Canning* then rose and said: The right hon. gent. who has just sat down, has concluded his speech with a declaration, that the calamities brought upon the country by the failure of the Expedition to the Scheldt, ought to be visited with exemplary severity upon the heads of those, by whom that Expedition was planned and advised. Now, Sir, as one of the advisers of the Expedition I rise, not only to speak in justification of it; but to contend, and I trust I shall be able to contend successfully, that in advising that measure his Majesty's ministers were actuated by a just sense of their public duty; that they proceeded upon motives and principles, such, as, if I were not myself a party concerned in the transaction, I should not scruple to assert intitled them to the approbation of their country; and such as they may confidently recommend to whoever may be hereafter their successors in office. They are principles, which, in whatever hands the administration may be placed, must necessarily be adopted and acted upon, if the cause of the country is to be maintained.

For, Sir, in estimating the merits of the great public measure now under our consideration, we must not be contented to look upon it as a mere insulated question, we must regard it as a branch of that general system of policy and action which has been pursued throughout the whole course of the present war, and which has been invariably directed to the twofold object of preserving other nations from the domination of France, and insuring the integrity and independence of the British empire.

It cannot, I apprehend, require any aid of argument to prove to this House the deep and vital interest that we have in the latter object; neither do I think it difficult to shew, that in the former though our interest may be less direct and immediate, we have nevertheless an interest sufficiently strong to keep that object constantly in our view, and as strong an obligation to employ all the means in our power for its accomplishment. While Great Britain stands so preeminently high amongst the nations of Europe, she owes it as a duty to her own dignity and character to assist and protect weaker nations against oppression, not only so far as that can be done consistently with her own interests, but, I would rather say, so far as is not absolutely incompatible with her own security. True it undoubtedly is that of those nations, which in different periods of the war, manifested a spirit of resistance against the encroachments or oppression of France, and to whose support this country has contributed generously and promptly every aid and effort in her power; true it undoubtedly is, and not more true than it is deeply to be lamented, that the course and consequences of the war have been such as to place many of those nations, in successive periods, at the mercy and under the controul of the enemy.—We have been in the situation of fighting not against the power of France alone, but against those countries, to which we have heretofore furnished our assistance, but which ranged by conquest on the side of France, have, whilst their hearts must be for us, been compelled by a dire necessity to raise their hands against us. It does not therefore follow that the principle of continental co-operation is unwise; or that our generosity has been detrimental to our interest. The destruction of the efforts of the enemy, the suspension of immediate danger to ourselves, and the chances afforded by the protraction of that period, at the expiration of which we may probably have to contend for our own safety on our own soil,—These are sufficient advantages to be derived from our efforts in behalf of other nations, even if we were to put out of account the higher considerations of national reputation and national faith. But considering at the same time that the period of this separate combat may arrive—that the successive wars of the continent may probably enough, (if the power of France continues unbroken)—be extinguished and swallowed up in one great war of the continent against this country—that this consummation (though it may be deferred, and though to defer it be worth every practicable exertion) yet cannot perhaps ultimately be avoided; I do admit that in all measures of co-operation with the powers of the continent we ought not to lose sight of our own separate security.

The prospective apprehension of these distant and contingent dangers to ourselves ought not to induce us to withhold or to relax our efforts for others: their speedier downfall would but hasten the crisis to our struggle. It ought not to make us distrust the sincerity of their efforts in their own cause: They may be, it is true, hereafter (as many of them already have been) found to act against us; but their hostility to us must be preceded by their own ruin; and we may well believe it their desire to avoid an extremity which cannot be hurtful to us, till it has first been fatal to themselves. But we may naturally and justifiably endeavour, nay, we are bound on every principle of sound policy to endeavour, to comqine in all our continental measures, with the consideration of what is immediately useful to others, that of what may be ultimately not prejudicial to ourselves. It is good to be generous to others. But to ourselves also we owe a duty of self preservation, and that measure is the most prudent, the most suitable, and the most advantageous, which, while it advances the common cause, in the first instance, does so in a manner consistent with our own permanent security, which gives strength to the combined efforts of our allies, and at the same time fortifies us for the separate contest which we may have to carry on hereafter, unaided and alone. Upon these grounds the king's ministers acted in advising the late Expedition: and by these principles I desire that measure may be tried. The House then will see that I must disclaim altogether one mode of argument by which the Expedition has been condemned, that of estimating it solely by its utility as a diversion in favour of Austria. That it had that effect, that it was calculated to have that effect; and that that was of itself a most important object is true. It is true that when Austria had taken up arms against France and was likely to furnish employment for the great mass of the French army, this country was bound to afford every possible assistance to that power, not only from the recollection of past alliance, but from a strong sense of common interest. But the question still remained in what manner that assistance could be afforded most conveniently for us as well as most advantageously for Austria: how the application of any British force might be rendered at once most beneficial to the cause of Austria, and conducive, or at least not detrimental, to the permanent security of this country. The Expedition to the Scheldt therefore, as it is not to be considered on the one hand, as having been undertaken for an object purely selfish on our part, so is it not to be judged in its result by considerations exclusively connected with the cause and the interests of Austria. It must be viewed with reference to both these objects; and when so viewed, I am persuaded, that it will appear to every reflecting mind, to have been not only wisely planned; but the very best measure that, all things considered, could at the time have been undertaken.

It appears by the papers upon the table, that the project of an Expedition to the Scheldt did not originate in the Austrian war. Undoubtedly it did not. An attack upon Walcheren was not a novel project with the government of this country. It had been frequently for many years past in the contemplation of the British cabinet. It neither grew out of the Austrian war therefore, nor did it originate with the particular administration by which it was undertaken. The measure had been meditated and discussed by several successive administrations, when the temptations were much less, and the difficulties much greater than at the period now in question. The importance of the object had grown with the growing naval strength of the enemy in that quarter; and never had any occasion at once so favourable and so urgent presented itself for such an enterprize, as that, which occurred at the time when the late armament was fitted out. Nothing can be farther from my thoughts, than any intention to apply the circumstance, which I am now to mention, in the way of recrimination, against the hon. gentlemen on the opposite side of the House: but I am almost sure that it must be in their recollection as it is in mine, that the noble lord, whom I had the honour to succeed in the office which I lately held in his majesty's government, and to whose talents and sagacity I am disposed to pay every imaginable respect, did, in a debate which took place very soon after the change of the administration, of which he formed so distinguished a part, (a debate which, from one of those circumstances that sometimes prevent our discussions from being known without our walls, was never made public) did strongly recommend to the government, then newly come into office, a vigilant attention to the growing naval means of the enemy in the Scheldt, that he described the accumulated facilities of annoyance afforded to Buonaparté by the possession of the mouths and the course of that river, and particularly pointed out the arsenal at Antwerp, as the most desirable and advantageous object of attack on any favourable occasion. In giving this advice, in leaving this legacy, in bequeathing this testamentary sanction for such an operation to his successors, that noble lord discharged a solemn duty, and gave a proof of his patriotism as well as of his wisdom. Even in the then state of the enemy's naval resources in the Scheldt, he considered it as an object of wakeful and anxious jealousy and alarm to the government of this country. I have therefore that noble lord's authority; I do not say for the precise detail and plan of this Expedition; but for the principle and object of it,—for seizing the earliest opportunity to effect the destruction, if possible, of the enemy's naval force and arsenals in the Scheldt. I have the authority of that noble lord, who had successively filled the two departments of the state that best qualified him to judge of this question, the admiralty, and the office in which I had the honour to succeed him; first, for the importance of the object; and, in the second place, for the practicability of the undertaking, or, at least, the justifiableness of the risk. And, if such were the noble lord's opinions at the period to which I refer, I will ask any hon. gent. what was then the state of Antwerp; what was its real importance, at the time when that noble lord bequeathed this warning to his successors, compared with its condition and importance at the period, when the Expedition was actually undertaken? It must be quite unnecessary to recal to the recollection of the House the active and unceasing attention, which Buonaparté had, during the whole of the intervening time, paid to his navy, and the boasts which he uniformly held out to Europe of his growing naval power. To check the growth of that power was surely an object well worth every effort; and worth, that which must attend every effort upon a large scale—the hazard of failure. It was an object, the success of which, if viewed in its effect, upon the general scale of the war, would have been important in the highest degree as lowering the pride and naval power of the enemy: viewed in its relation to the maritime war between this country and France, it was equally recommended by every consideration of national pride, of safety, and of economy. The destruction of the arsenals in the Scheldt might have spared us the necessity of a fleet in the Downs or of a fleet at Yarmouth, and either left that amount of naval force disposable for other services; or enabled us by such retrenchment the more effectually to aid our allies, or the better to support the burden of a protracted warfare. Independently therefore of any consideration of the Austrian war, an Expedition to the Scheldt was perhaps the effort best calculated to promote the essential interests of Great Britain.

I have thus briefly stated the general grounds upon which the Expedition was first resolved upon, and by which of themselves that resolution, would in my opinion, be altogether justified. Then came the Austrian war, and then came urgent applications from Austria for assistance.—Applications which indeed were scarcely necessary; because we were called upon by every principle of the most obvious policy, and every consideration of the strongest self-interest, to afford to her in her arduous and critical struggle all the succour and support in our power. With this disposition, the question which first arose was, how the assistance which we were both bound and willing to afford, could be rendered most effectual in support of the cause of Austria. And I can confidently aver, that if, in the state in which our determination then was in respect to the Scheldt, any other destination could have been pointed out for an Expedition, more obviously serviceable to Austria, and affording an equal or a reasonable prospect of success; the superior interest which this country had in the success of an attack upon the Scheldt, would not alone have determined us against a change of destination. If other considerations were equally balanced, the obvious and essential interests of this country might fairly be allowed to turn the scale. But not only was there no other destination pointed out in which Austria might be more effectually aided, and which it was necessary to sacrifice to our pre-conceived partiality for the Scheldt: but I will venture to say, that after a full and fair consideration of every suggestion which was offered to us, there was no one point to which an Expedition could have gone, which, exclusively of the separate interests of this country, could from its general importance, policy, and practicability, be placed in competition with the capture or destruction of Antwerp. There are obviously two modes of aiding the efforts of an ally; the one to support him by direct co-operation with his armies in the field; the other by a formidable diversion to distract the attention of the enemy and to relieve our ally from some part of the pressure of the vast military force concentrated against him. I should certainly not have thought it necessary to establish by argument the impracticability of a direct military co-operation with Austria in the situation to which the continent was at that period reduced, if I had not heard some of the hon. gentlemen opposite contend that we should have sent our Expedition to the bottom of the Adriatic, to Trieste, in order to act in conjunction with the Austrians; I know not exactly where, but I suppose by penetrating through the Tyrol to Suabia; an idea so utterly extravagant and absurd, that the mention of it has filled me with amazement. Have the hon. gentlemen, who expressed their approbation of such a plan, reflected upon the difficulties and dangers of sending a fleet of transports, crowded with troops, upon such a voyage, through the streights of Gibraltar, along the Mediterranean, and up the Adriatic, to a destination, at which it might arrive three or four months after it sailed, and two or three months after the junction for which it was sent out, was no longer either useful or attainable? Have they considered the enormous preparations, the immense tonnage, and the inordinate expenditure which it would have required to place an army in a situation to take the field after such a voyage, at such a distance, and in countries so little prepared to receive us? With respect to the other mode of direct co-operation, the landing with a British force in lower Italy, it is only necessary to state, that that experiment was tried to a certain extent. And was only desisted from, when it was incontestibly found, that the further prosecution of it was useless in consequence of the retreat of the archduke John: with whose operations alone those of sir John Stuart could have been combined, and how would this same retreat have operated upon the notable expedition to Trieste, if unfortunately it had been adopted? Why, the consequence it appears would have been, that our armament, on its arrival at Trieste, would have found the French in possession of that place, and no Austrian army or military force within 300 miles of it. And then what mercy should we have found at the hands of our present accusers, if we had pleaded that when the Expedition sailed forsooth, we had every reason to think that it would be in time?

I must, however, beg leave in this place to state, in justice to the Austrian government, that the idea of requiring us to send out a British force to Trieste, never entered into their contemplation. Austria unquestionably did, as was naturally to be expected, point out several modes, by which the force of this country could be employed; but never hinted at, still less recommended, the impracticable scheme of an Expedition to Trieste.

The points, to which Austria did propose to the British government to direct its attention, were distinctly and specifically these—1st, That an attempt should be made by a British force upon Italy,—2dly, That our operations in the peninsula should be continued,—and 3dly, That we should endeavour to operate a diversion in her favour by landing an army in the North of Germany. These were the propositions actually made and strongly urged by the Austrian government. With respect to the first, an attack on the side of Italy, I have already stated that such an attempt was made, and that it was only desisted from when a perseverance in it on our part could no longer be productive of any benefit to the cause of Austria. As to the second proposition, the continuance of our efforts in the peninsula, I need scarcely observe, that the British government has fully complied with the desire of Austria in this respect, because every gentleman who hears me must be aware, that our operations in the peninsula, so far from having been slackened or suspended, were pursued with unremitting earnestness and exertion.

It remains only to consider the 3d and last point recommended by Austria for the employment of a British force, namely the North of Germany. Gentlemen have dwelt with much emphasis, upon the great advantages which would have been derived in aid of such an Expedition from the insurrections then known to exist in that quarter, and from the spirit of disaffection so prevalent throughout the whole of the population of Germany, which the first success of the British arms would have called forth into active and universal hostility against the common enemy. But, I have always been of opinion, and have had occasion, more than once, to declare that opinion in this House, that to excite such insurrections, without having the means of affording effectual permanent protection to the insurgents, is an act of the greatest cruelty as well as impolicy.

Undoubtedly such insurrections, however temporary, might possibly have operated for the moment as a partial relief to Austria, by drawing off a portion of Buonaparté's troops, or detaining the reinforcements destined for his army on the Danube. But that advantage would also belong to the Expedition to the Scheldt. So therefore the two rival destinations might be considered as equal. They were then to be compared as to their respective probabilities of success. Supposing these probabilities equal also; then and then only would be to be considered the balance of advantage to this country in favour of the Scheldt. But supposing the failure in Germany the more likely, how would the evil of that failure be aggravated by the miseries which it would bring, upon the unfortunate people who had been induced to join us! Gentlemen declaim against the Expedition to the Scheldt, merely because the objects of that Expedition, the capture of ships and the destruction of naval arsenals, fix upon it the suspicion of a selfish motive. They appear to me to carry a principle, good in itself, much too far. Whenever any partial or temporary interest of our own clashes with a permanent and vital interest of an ally, our temporary interest ought certainly to give way; but to put our own interests of any description altogether out of view, merely for the purpose of avoiding a possible imputation of selfishness from a perverse construction of our motives, would be absurd and romantic in the extreme. At all events let those who feel such an extreme delicacy in this point consent to carry that delicacy a little further, and apply it where it is at least equally applicable, to the case of those districts of Germany which the approach of a British army would have roused to insurrection, and which its retreat would leave to the vengeance of their oppressors, and let them consider whether a temporary success to our own arms, or a partial relief to Austria, would have been legitimately purchased by such a sacrifice of those whom we pretended to deliver, but should, in truth, by such a course betray.

If indeed we could have hoped to effect their permanent deliverance, the case would have been widely different. In that case the North of Germany would unquestionably have been the chosen scene of our exertions. But what was the chance of such success?

No long period has elapsed, since a British army was actually sent to the North of Germany to co-operate against France, and it has been attempted to be argued, that those, who were parties to, or who approved the sending out that former Expedition (which arrived in Germany just in time to learn the issue of the fatal battle of Austerlitz), could have no possible justification, for not having sent the late Expedition to the same destination. But here I must beg of gentlemen, to consider the difference in the situation of affairs at these different periods: and to compare the state of Europe at the time, when the former armament was sent to the north of Germany, with the situation to which it had been reduced at the period, when the Expedition to the Scheldt was undertaken. On the former occasion a formidable Russian army was combatting, in support of the Austrian monarchy; and, with the emperor at its head, was already participating in the main operations of the campaign:—another Russian force of 15,000 men was advancing in the north; and with a corps of 15,000 Swedes was ready to take the field in conjunction with our Expedition. Denmark was neutral; the power of Prussia was whole and unbroken; and though, her neutrality was cold, perhaps it was not a mere profession; the strength and character of her armies made her policy respected, and preserved her territory from French violation. Compare with this description, which every hon. member must admit to be just, the situation of the north of Germany last year, when we were invited by the Austrian government to make a diversion there in its favour: Russia, instead of being leagued against France, was now her most obsequious and devoted ally; Denmark our enemy; the military power of Prussia no longer formidable even by reputation, but broken down in one disastrous battle, the sequel of a disastrous policy. And the whole face of Germany, once covered with independent and respectable states, now strewed with the fragments of her antient institutions; and, presenting nothing in their room, but enfeebled or usurped governments, all leagued with, or subservient to France. Such was the state of things, in which we were invited to send an army to the north of Germany. Let us consider a little the detail of such an operation. Could we have sent our army upon any other condition, or with any other view than that it should return to England in the winter? No one of those who have most strenuously contended for the policy of a diversion in the north of Germany, has ventured to go the length of stating that it would have been politic to risk the fate of a British army during the winter in that part of the continent. The times are indeed long passed, when foreign armies, moving in great masses, could maintain themselves like a separate state, a nation among nations, in the heart of Germany, for many successive seasons: the circumstances of Europe are completely changed since any such comprehensive plan of continuous operations could have been practicable; and, at all events, the force we could spare for such an undertaking must have been so small as to be wholly inadequate to the accomplishment of it. With whatever good fortune, therefore, it might have commenced its career, it must have been finally withdrawn before the winter. And I shudder at the calamities, that would have been brought upon the unfortunate inhabitants, who, having been induced to take up arms upon the faith of British protection, must have been left exposed to all the vindictive outrages of exasperated tyranny, whenever the progress of the seasons, independent of military disasters, should render it indispensable for the British army to retire.

But this is not all. It is not alone a humane consideration for the sufferings, that might have been entailed upon the wretched inhabitants, nor even a regard for the ultimate security of the British army, that rendered an Expedition to the north of Germany, in my opinion, inexpedient and impolitic. There were other considerations, which could not be safely overlooked at a time when such an Expedition was in agitation. Broken down and humbled as Prussia was, she still had an army, which, though unable to make head against France, might yet have been very formidable against the limited force, which we could have sent out to Germany. With that army the British army, in the course of its operations, must have came in contact; and, if that were likely, (nay rather if it was impossible to avoid it,) I will ask, whether, under all the circumstances of Europe, it would have been prudent in us to have involved ourselves in active hostilities with Prussia, or, on the other hand, if any thing like an understanding should appear to have existed between Prussia and us, would it not have furnished Buonaparté with a plausible pretext for wrestling from the monarch of that country the bauble of a sceptre, and tearing from his head the mockery of a crown, which he is still allowed to wear? If then these would have been the consequences that would haye resulted from an Expedition to the north of Germany, need more be said to shew, that it was the bounden duty of his Majesty's government to pause before they should undertake it; nay, that they are fully justified in having declined the undertaking after the most grave and mature deliberation?

All this would be true, even on the supposition that the insurrections in Germany had risen to such a height without our interference, as to hold out some temptation to an enterprize of this kind. Without such a temptation, to be sure, the hostile invasion of Germany would have been madness. But after all, what was actually at the time the state of these insurrections? What progress had they made, or what assistance were they likely to afford to our efforts, if an expedition from Great Britain had been sent thither? A bold and adventurous soldier (Schill) impelled by loyalty and national zeal, though unauthorised by his sovereign, took up arms against the common enemy, and having assembled a few followers commenced an intrepid but short lived career of active hostility and daring enterprize—The Prince of Hesse, seeking the recovery of the dominions of which he had been tyrannically deprived by Buonaparté, was employed in raising a corps of partisans—and the gallant Duke of Brunswick, anxious to revenge the wrongs sustained by his illustrious house, had placed himself at the head of a small but chosen body of troops, and was enabled, partly by the bravery of his followers, and partly by the good will of the people, to traverse the whole of the north of Germany unmolested, defeating several corps of the enemy, his superiors in number, on the way.—This was the sum of the insurrections in the north of Germany. The little obstruction given to the different bodies of troops in arms, was undoubtedly a proof of the disposition of the mass of the inhabitants; but that disposition though friendly was inactive and quiescent. Splendid as they were as instances of individual heroism, these partial and detached exertions surely did not amount to such an expression of national will, nor hold out such assurance of general concert, as would alone have justified a landing in the north of Germany, in reliance upon the co-operation of the people. It was surely incumbent upon us before we embarked in such a momentous enterprize, to compare our means with the end; to weigh against the possible advantage the certain sacrifice;

and to keep ever uppermost in our contemplation the dreadful sufferings, that its failure or even its partial success would draw down upon the population of Germany. The feelings of humanity no less than considerations of prudence were against the measure, nor could Austria justly expect, nor could we consistently afford her, that temporary relief, which it is admitted she might have gained, at the expence of so much certain and permanent injury to others.

The course which his Majesty's government, on the contrary, did actually take, was calculated to promote alike the interests of our ally and our own, to a degree in all probability much greater, and in a manner free from the objection of injustice.

Sir;—I understand that in a French newspaper, published immediately under the eye of the government at Paris, in an account of some former debate in this House, expressions have been imputed to me importing that, when the Expedition sailed for the Scheldt, I looked for and expected an active co-operation from the people of Flanders and Holland. The words of so insignificant an individual as myself could hardly be worth the trouble of misrepresentation—nor should I think myself warranted to take up the time of the House in setting such misrepresentation right—were it not that, from the official situation which I had the honour to fill, when this enterprize was undertaken, I might be supposed to speak from some ascertained knowledge of the dispositions of the inhabitants of the countries in question: and a declaration, taken to be official, might be used to their wrong. I think it right, therefore, to avail myself of this opportunity to deny that I ever uttered such an expression; I will go farther, and fairly and truly state that no expectation of the kind was entertained, and that one consideration which mainly recommended the Expedition to the Scheldt to my mind, was the absence of any such view or expectation. I knew we had not a force, and I did not think it was our policy, to engage in a system of continental operations. The same objections which I felt to the North of Germany would have weighed with me against Antwerp, if it had been proposed to me to go in search of insurrections. I agreed to the Expedition to the Scheldt as a military, not a political, enterprize; as an enterprize of destructive hostility, not of conciliatory co-operation. I had no hope of conquering through Flanders; or of keeping Flanders against France; or of liberating Holland by penetrating its frontier from the Scheldt. But I did think, and do think still, that a great blow was to be struck against the pride and power of Buonaparté, by the destruction of his fleet and arsenals. I wished for no longer occupation, than might be sufficient for this purpose, and this I expected to gain, not by the connivance of the inhabitants, but by force, and by taking them unprepared. Indeed, if I were to lay my finger upon that spot of subjugated Europe, which has suffered the least from French tyranny and oppression, and where therefore co-operation was least to be expected, I should point out Antwerp. Before the French revolution, Antwerp was in a state of comparative desolation; her former greatness had vanished; her prosperity was extinguished; her trade annihilated: her population was dwindled; and the grass growing in her streets, formerly the crowded haunts of industry and commerce. To this wretched state had Antwerp been reduced, not by nature but by treaty, not by any moral or physical defect, but by the arts of the diplomatist and the dash of a pen; and, from the destructive effects of a restriction so imposed, was she liberated in consequence of her annexation to France. Neither was there any thing of attachment to her former government to counteract the natural influence of her present prosperity; and it was against the sources of that prosperity, her growing maritime greatness, that this blow was aimed. From the population of Antwerp, therefore no aid or co-operation was to be expected. They alone, perhaps, of all the inhabitants of the continent would suffer by being replaced in the situation, in which they had been previous to the French revolution. On what then did we ground our hopes of success? I have stated on our own means and their want of preparation. Undoubtedly we had expected to be able to take Antwerp by surprise; and we had every reason to suppose it would be found in such a state from all the information which had been previously collected upon the subject. That the information, upon which that expectation was founded, was correct, has since been unequivocally proved. I refer, as the most satisfactory proof on this point, to certain articles which were published in the Moniteur, at the time when the destination of the Expedition was first publicly known at Paris, purporting to be the official correspondence between Buonaparté and his minister of war; and manifestly published with a view to make the people of France believe, that Antwerp had not been incautiously neglected. This correspondence set forth, that our Expedition had been originally intended for Spain, but that, in consequence of the conclusion of the armistice between France and Austria, its destination was subsequently changed. An assertion which we know to be false, and which could have no object but to excuse the not having made timely preparations at Antwerp. This is a construction of itself sufficiently evident, but is made still more so by the order with which this correspondence was followed. An order, commanding the *gens d'armes* and the *garde nationale* to march to Antwerp, immediately, and to put that city in a perfect state of defence. Most unquestionably if that city had been previously secure against attack, it would not have been necessary to issue an order calling for the services of comparatively irregular troops for the purpose of putting it into a proper state for defence. Such a measure is a virtual admission, that Antwerp was in an unprepared state; that the enemy was taken by surprize. It is an evidence derived from the enemy himself, of the wisdom of the original plan of the Expedition and of the original probability of its success.

But it has been urged with a great apparent triumph against his Majesty's ministers, either that they had not foreseen the difficulties encountered in the progress of the Expedition, or that having been aware of those difficulties and dangers, and having yet sent out the armament under all these discouragements, they are more deeply responsible for all the consequences of it. Undoubtedly his Majesty's ministers did foresee difficulties in the course which they were pursuing, (and what great military measure can be expected to be wholly free from them) but the difficulties which they foresaw were not of a nature to preclude a rational prospect of success. If I am to judge by what I have heard in the course of this discussion, gentlemen think that, before any expedition should ever sail from our shores, his Majesty's ministers should not only have an absolute certainty of ultimate success, but should also trace out to the respective commanders every step, by which they are to proceed in the execution of the service intrusted to them. In that case no Expedition would ever be undertaken: for what mortal foresight can take in all the possible casualties that may occur to defeat the object? or who would undertake to furnish a general with a detailed plan of all the operations which he may have to execute, without leaving him any discretion to depart under any circumstances, from the strict line of his instructions; considering how much must always depend upon contingencies which cannot be foreseen, as well as upon observations made, and information collected upon the spot. A man engaged in a game of chess, may, without any question, by taking certain moves on the part of his adversary for granted, insure his own success. But then if his adversary should vary from the course which he assumes for him, all his hopes would be frustrated, and all his plans would fall to the ground. All that can, upon this point, be required of a government, is, that they should in the first place select a proper object to justify the attempt by its importance, and where there may be a probable prospect of success: that their views, respecting such object should be communicated without reserve to the generals commanding, to whom at the same time should be left a certain degree of discretion as to the means of executing the service; and that they should provide adequate means for carrying any plan that may be determined upon into execution. Much has been said as to the insufficiency of the means provided for the regular siege of Antwerp: but in this objection it is assumed that a regular siege was necessary for its reduction. The expectation of the government certainly was, that it would be taken by surprise and carried by bombardment or by an assault. Much censure has also been bestowed upon his Majesty's ministers for having undertaken the expedition at all in opposition to the declared opinions of the commander in chief and of colonel Gordon, and much stress is laid upon a particular expression of the latter officer, viz. "that it was a desperate enterprise." It appears to me that this expression does not bear out the interpretation which has been given to it. It is clearly used by colonel Gordon in a colloquial sense, but hon. gentlemen extract from it more than its strict etymological meaning; and insist, that according to colonel Gordon, the enterprize was so difficult and hazardous, as, if undertaken, to preclude all hope of success, and to include every ground of failure.

Great efforts, I observe, have on the other hand been made to disparage the opinions of general Brownrigg, and with this view particularly it has been urged against him that he had not stated the authorities upon which those opinions were founded. I observe indeed, that those gentlemen who seem to set so high a value on authorities, never once thought of calling for the authorities upon which the opinions of those officers were founded whose testimony appeared in any degree to bear against the government. But so minute, so anxious are they in scrutinizing and sifting every thing that favours his Majesty's ministers, that if general Brownrigg had quoted authorities for his opinion, I am convinced they would have called for the authorities of these authorities, and so on, until at length they should arrive at some point where they could make a stand and withhold belief. An old Indian mythology affirms that this globe is supported by an elephant: a question arises, what supports the elephant? the answer is "a tortoise;" well, and upon what does the tortoise rest? to that question the mythologist affords no answer. And in like manner general Brownrigg's authorities must have had some end, and so the hon. gentlemen would find at last some ground of doubt, and some excuse for incredulity.

It has been much insisted upon as a ground of charge against the government, that the opinion of lord Chatham had not been taken upon the policy and practicability of the Expedition; but upon what ground does such a charge rest? As a cabinet minister lord Chatham was a party to the principle, and by having accepted the command in chief he rendered himself more particularly responsible for its execution. There is a story which I remember to have heard more than once from an hon. member of this House now no more (Mr. Fox), of two generals in the French service, one of whom addressing his troops at the commencement of a battle or an assault, used to say, "allez mes enfans;" the other "allons mes enfans." The latter was the more popular commander, as he shewed his confidence in the enterprise and his expectation of success, by his willingness to share in the perils and the glory of the attempt. Upon the same principle the hon. gentlemen may infer lord Chatham's approbation of the Expedition, from his consenting, by the acceptance of the command, to associate himself with its operations and its success.

In reply to all that has been said, as to the impracticability of taking Antwerp by surprise, the noble lord on the bench behind me (lord Castlereagh) has very appositely quoted the case of Copenhagen: that case unfortunately, however, "was not to the taste of the hon. gentlemen opposite:" For, say they, "Copenhagen was taken too much by surprise: And besides, the inhabitants of Copenhagen were filled with such indignation against us for the unprovoked attack;" that—what? why "that they surrendered the city, without making all the resistance which the state of its defences would have allowed." This was, certainly, the oddest effect of indignation that I have ever heard of; that it should diminish energy, and facilitate surrender; instead of animating and exasperating hostility, and determining men to defend themselves to the last extremity!

But, if instances are necessary to prove the practicability of carrying such a place as Antwerp by a *coup-de-main,* they present themselves to recollection in abundance. We cannot forget how the strong fortresses of Breda, Bergen-op-Zoom, and the other fortified places in Dutch Flanders, and Brabant, fell without a struggle before Dumourier in the infancy of the French revolution. These instances, however, will perhaps be set aside by the hon. gentlemen as easily, and certainly with more plausibility than Copenhagen. Their fall was the effect of revolutionary principles, it will be said. They were half conquered before the enemy appeared under their walls. Let us go back then to former wars, when no such extraneous principles, operated upon the fate of fortified towns, and we shall find a regular fortification, Prague, surrendering upon a bombardment of seven days. We shall find Schweidnitz in Silesia, a fortress deemed impregnable, yet taken and retaken by surprize, I think three several times, between the year 1747 and 1761, and a fourth time, I believe, in 1762, but then to be sure by a regular siege. The three former captures were by *coup-de-main.* If I were to go farther back still, I might refer to the case of Lerida in Catalonia, before which the great Conde failed in a regular siege, and yet, when afterwards invested by the duke of Orleans, the place was carried by assault in a fortnight.

It is not my object to prove by these instances out of the numberless cases of a similar description that could be quoted, that, because places deemed secure against such a mode of attack have sometimes been reduced by a *coup-de-main*, therefore every impracticable attempt upon a strong fortress, may prudently be hazarded! No such thing. The inference that I draw from the cases alluded to, is simply this, that, as in the progress of wars, fortresses of the highest military description, fortresses generally deemed impregnable, have been reduced by summary means, it does not necessarily follow, that an expedition fitted out under peculiarly favourable circumstances, for the attainment of such an object, should be justly condemned as rash and absurd, because the place against which it is directed may have been, in other times, considered as not liable to be taken without regular approaches; I do not mean to say, that a positive dependance ought by preference to be placed on improbable contingencies, but that war never has been nor ever can be carried on, without incurring some danger, and leaving something to hazard? Undoubtedly means should be diligently proportioned to ends, every practicable foresight should be exercised, every attainable security taken, and as little left to chance as may be. But when, after all that human wisdom can do, to chance something must still be left; when after all physical and material means are provided, spirit and enterprize must after all turn the scale: I am not prepared to condemn an expedition because I cannot beforehand demonstrate that it will succeed. The general who surrendered without a blow, because the enemy outnumbered him, in a certain given proportion, may have acted according to all the rules of war. When lord Peterborough took Montjuich, he sinned against all the principles of military calculation. But I read with more delight of lord Peterborough's romantic achievements, than I do of the sober and regular movements of his successor, who proceeded with the most scrupulous regularity, to lose back all that his predecessor had so irregularly won. A book came out some years ago in France on the subject of a carriage or some such vehicle, which had been contrived in this country, I believe, for a wager at Newmarket, to go a certain distance in a given time. The author of the book undertook to prove very learnedly that the project could not possibly succeed: He formed a most elaborate calculation, according to the most precise rules, which gave the greatest satisfaction to all the scientific of Paris. A was to represent the carriage; B the horses; C the driver; D the resistance of the air; E the friction of the earth; and F the utter impossibility of success. And A plus B plus C plus D plus E was equal to F, and therefore the project must fail. While the book was publishing, however, the wager was won: but the lovers of science contented themselves with affirming that, though the project did succeed, it ought not to have succeeded. Now, Sir, I am ready to admit that hon. gentlemen came forward with their mathematical reasoning under very great advantages; the Expedition, upon whatever grounds undertaken, has failed. But, whatever may be the reasoning on their part I must ever contend that this failure has arisen from causes, which it was utterly impossible for human wisdom or power to controul. It was chiefly to that state of the winds by which the Expedition was compelled to go into the Room-pot, and to the consequent impossibility of capturing Cadsand that this failure is to be attributed. I will ask any hon. gent. whether, if Cadsand had been reduced in the first instance, and the passage up the Scheldt at once opened and free, there would not have been good reason to expect complete ultimate success?

From the countenances of some of the hon. gentlemen opposite, I collect that there are judges in this House before whom the accused appear under great disadvantage. I feel sensibly, that I labour under considerable difficulty in arguing this case before those gentlemen by whom his Majesty's ministers have heretofore been called on not only to defend themselves for failures, but to exculpate themselves for victories, and to make atonement for success. From those gentlemen undoubtedly I am not sanguine enough to look for any very favourable decision. Such, I trust, however, is not the disposition of the whole House. The House will not make his Majesty's ministers responsible for disasters which they could not prevent; nor censure them because the weather proved unfavourable; it will not, I am persuaded, regard with a prejudicial harshness and severity the conduct of men, to whom the utmost stretch of human malice could impute no motive but that of having desired at great risk to their own situations to render a great service to the country.—They had but to be still to be safe: but it never did and never could, escape them, that in an undertaking of such magnitude and hazard the discredit and unpopularity to be incurred by failure infinitely counterbalanced any credit that would be given to them by their opponents for success.

For, Sir, in all discussions upon the events of the war, I observe that some gentlemen mete out a very different measure of judgment to the actions and undertakings of their own government, and those of the enemy. They uniformly find room for panegyric in the successes of the French ruler. Nor do I recollect to have ever heard one of them censure the conduct of Buonaparté for his oversights or his failures. The injudicious and unsuccessful attack upon Acre, the defeat at Aspern, and the shutting himself up after that defeat, in the island of Inder-lobau, a measure universally condemned by military men, as an egregious error, and one which afforded to Austria an opportunity of decisive and destructive success, if happily advantage had been taken of it—these acts of rashness and misconduct have passed, so far as I have observed, without animadversion. But while they overlook the blunders of the enemy, and give him the fullest credit for his successes, they disparage every advantage and exaggerate every misfortune of this country. According to their just standard any success on the part of the British government is invariably the result of accident, but failure is evidence of ignorance and incapacity. But let us suppose the course of the campaign which we are now discussing to have been inverted, suppose the enemy to have been the assailant—suppose that instead of having to justify themselves for having captured Walcheren, his Majesty's ministers had now to defend themselves for having suffered the Isle of Wight to be occupied by the enemy; for having allowed a French army to remain for three whole months in possession of a station menacing and overawing our principal naval arsenal at Portsmouth? What would be the severity of the charges which their accusers would then have brought against them; what admiration would have been expressed of the enterprize of the enemy, and what epithet of disgrace left unapplied to the ministers who had thus been taken by surprize? And yet, extravagant as this supposition may sound, the continued occupation of Walcheren by a British army during so many months had precisely the same effect with respect to France, to which the Scheldt is not less important as a naval port and arsenal, than Portsmouth to this country.

The continued occupation of Walcheren would have been not less a blow to the maritime power, and to the pride of Buonaparté, than that of the Isle of Wight, by France, to the power and pride of Great Britain. In that view; in contemplation of its moral effect upon the minds of the people of France as much as in respect to its solid advantages, I concurred in the destination of the Expedition of the Scheldt. I think it would have been of incalculable benefit that the people of France should see that he could not strip his coasts and country of troops, and draw the whole strength of his army into the breast of distant kingdoms, without subjecting to insult and invasion his own immediate territories, and the dearest interests of his empire.

That these and other objects have been blasted by the ultimate failure of the Expedition, I do not attempt to deny. But while the magnitude of these objects aggravates the regret which its failure naturally occasions; it offers to the discriminating justice of the House what will be deemed, I trust, a sufficient justification of the undertaking.

Having said thus much upon the general question of the policy of the Expedition, in which I feel myself involved in a common responsibility with all those who were at the time of its being undertaken members of his Majesty's government, I come now to that part of the question in which I am no otherwise concerned, than, that as having concurred in advising the Expedition, I may be, to a certain degree, responsible for all its consequences; but in which I had no personal share.—I mean the period of the evacuation of Walcheren. Upon this subject the resolution of censure proposed by the noble lord, appears to me immeasurably severe. No man can, in my opinion, think conscientiously, that his Majesty's ministers, with the island of Walcheren in their hands, with so many strong reasons for retaining it if the retention were possible, could reasonably be expected to come to an immediate decision upon a point involving so many considerations of infinite importance, and embarrassment.

I have already stated, among the grounds for attempting the Expedition, the commanding position of Walcheren; the curb which it put upon the maritime strength, and I might add, upon the commercial greatness of the French empire. The customs of Antwerp are at least one third of the whole custom revenue of Buonaparté. Add to this considerations of economy: if (as was at least the opinion of some of the most competent judges) the possession of Flushing would have enabled us to diminish the amount of the fleet destined to watch the Scheldt: add, too, the military triumph of wresting and retaining from the enemy the key of this naval arsenal upon the creation of which he had rested so much too of his glory. Against this was to be put the afflicting sickness and mortality which prevailed among our troops: a calamity of which it is as absurd as unjust to pretend that the ministers did not feel all the weight and poignancy as much as those who affect to be the loudest in deploring it. But neither the original plan of the Expedition, nor the prolongation of the stay of the army in Walcheren, are fairly censurable on this account, in the manner and to the degree to which the noble lord proposes to inflict his censure.

If an Expedition is never to be sent to a climate less healthy than that in which we have the happiness to live, the circle of warfare will undoubtedly be much contracted. If the authority of the very eminent physician, (sir John Pringle) which has been quoted, with so much confidence, is to be conclusive upon this question, that same authority proves a great deal too much; for, if taken in its full extent, it would follow, that no Expedition ought ever be sent to any part of Dutch Flanders. It would condemn retrospectively most of our former Expeditions to the continent, and specifically all those campaigns of which sir John Pringle himself has written the History.

Every man, who has read the papers on the table, must feel and deeply feel for the miseries unavoidably incident to war; but though these miseries have been brought nearer to our view than in former instances, and though it may possibly suit the particular purposes of some gentlemen to dwell upon them, yet I must beg of the House not to suffer themselves to be so far biassed in their judgment by the impulse of a very honourable feeling, as to imagine that the instance of this Expedition, however striking, is singular in the history of the wars of this country—I beg them not to imagine that they are at liberty to exhaust the whole of their compassion on Walcheren alone; nor to deceive themselves as to the tenure by which our West India islands are held. No man can deplore more than I do the waste of life that results from the acquisition and retention of such possessions; but, it must be considered at the same time that no important national advantage is to be gained without some kind of sacrifice, and however we may lament the price at which it is purchased, a government would betray its trust, which should precipitately abandon a great and essential object of national acquisition, or national glory, even from such a laudable impulse.—Happy, indeed, would it be for mankind, if the slaughter of the battle was the only evil of war. But there are, it is too true, various other sufferings consequent upon a state of war, besides those that are produced by engagements in the field; sufferings which have not the animation of effort, or the consolation of glory: but let it not be supposed that they were incurred in so much greater proportion for Walcheren as to require the exaction of a vindictive retribution from ministers in this case more than in any other. Walcheren had often been an object of British desire, aye, and of British possession too. We have won it; we have held it in former times. Its importance to this country is now increased tenfold; surely its climate is not in the same proportion become more pestilential.—It has been confidentially asserted in this debate, that a clause existed in the capitulation of the regiment of Berne when in the service of the Dutch government, stipulating that these troops should not be employed in Walcheren. This assertion I cannot take upon myself positively to contradict, but I can affirm from very good authority that this very regiment of Berne has, in point of fact, more than once within the last twenty years made a part of the garrison of Walcheren. And I have further been assured, too, that after the most diligent search no such clause is to be found in any published treaty or capitulation of the Cantons; though there is in some of the capitulations published in Dumont's collection, an article providing that the Swiss auxiliaries shall not serve in Batavia or the other Dutch colonies. This stipulation is, as we know, not unusual; the foreign troops in our own service are not bound to serve in the British colonies.

Still, however, the whole point thus at issue is merely a question of degree. I admit without hesitation that the miseries incident to an unhealthy situation may overbalance many and considerable political advantages. But the question to be considered is, what were the nature and extent of the advantages to be derived from the possession of Walcheren, and were these advantages such as to justify the retaining it, could it have been retained at any moderate sacrifice? This is the calculation into which gentlemen should enter, before they make up their minds to pass censure upon his Majesty's ministers for having kept the island so long. The result of such a calculation, I firmly and conscientiously believe, will be that such was the importance of Walcheren to this country, that very great efforts ought to have been made to retain it, and that his Majesty's ministers were perfectly justified in having hesitated as long as they did, before they finally determined to abandon so very valuable a possession; my doubt, I confess, is whether they ought to have abandoned it at all.

If, indeed, his Majesty's ministers had previously resolved to evacuate the island, I am not ready to affirm, or even to admit, that they were in that case justifiable in retaining it so long merely with a view to the destruction of the works at Flushing, or in compliance with the wishes of Austria. The destruction of the basin at Flushing, a mere temporary mischief to the enemy to be repaired by money, ought not, in my opinion, to have been purchased by any avoidable expence of British life. It was not an advantage worth such a price; and as to Austria, though I would do much, and sacrifice much for an ally in the war, yet in the actual situation of her affairs at that period, so long after the armistice, with so very little reasonable probability of the renewal of hostilities, if our army was exposed to ten days unnecessary sickness upon the supposition of affording any effectual aid to Austria, then I must say, that there does not appear to me to have been any [illegible] proportion between the advantage expected and the sacrifice actually made.

Such, however, do not appear to have been the motives of the delay. It appears, that his Majesty's ministers received successive reports, which went so far to encourage the hope of being enabled to retain Walcheren, that I must take it for granted they were induced really to look to that object, that they did not unnecessarily expose the army to the influence of disease, for a day after they had finally resolved on abandoning the island, and under this impression I shall certainly vote against the second resolution of the noble lord; though I shall at the same time feel it necessary to move or to suggest an amendment to the counter resolutions of the hon. and gallant general (general Craufurd). The object of my amendment will be to omit the specific grounds of justification arising from the circumstances of Austria, and from the destruction of the basin at Flushing; and to leave that justification on the plain and obvious ground of the necessity of collecting the materials for an opinion and the danger of deciding precipitately on so great and important a question. I am perfectly ready to concur in the conclusion that no blame attaches to the government: but I cannot concur in the hon. general's statement of the premises from which that conclusion is to be drawn.—These, Sir, are the grounds upon which I as cordially join in acquitting the ministers upon the second of the noble lord's propositions, in which I am not myself, personally implicated, as I confidently expect, from the reflecting justice and temper of the House, an acquittal for myself, in common with my former colleagues, upon the charge contained in the noble lord's first Resolution.

Something yet remains to be said upon one topic on which much stress has been laid by our accusers—the policy of marking with extraordinary severity a failure so disastrous, as this is represented to have been, of an enterprize (as it is averred,) so rashly undertaken.

Sir, of this policy—as a matter distinct from justice—I take the liberty to entertain great doubts. I doubt whether the vice of the British constitution and government be a too great proneness to undertake splendid and daring enterprizes—or its main perfection and uncommon facility for conducting the operations of war. There is enough already (as it appears to me) both of difficulty to impede and of responsibility to daunt any administration in this country, to whom the conduct of a war is intrusted: and when that war is to be carried on against such an enemy as him with whom we have to contend at present, it is not (in my humble opinion,) politic to go one step beyond what justice may prescribe to enhance that difficulty, and press the weight of that responsibility upon the government. Possibly I might think that even to stop something short of an extreme and rigorous account, might be the more politic alternative of the two. We have to contend against an enemy who, with whatever qualifications he may be endowed by nature, has full scope and play given to all his faculties and views, by the unlimited power, the irresponsible freedom with which he acts. He asks no consent, he renders no account, he wields at will the population and resources of a mighty empire, and its dependant states. His successes are magnified with enthusiasm, his failures silently passed over. And against this unity of counsel and this liberty of action, we have to contend under the disadvantages of a mixed and complicated government. Disadvantages in this respect they are, though happily and gloriously redeemed and compensated by the great and manifold blessings of a constitution unequalled by any other system of human policy in the history of the world! Secrecy of design, celerity of execution, a boldness of adventure arising from fearlessness of responsibility for ill success, are the qualities the most useful for the vigorous prosecution of military operations. They are advantages which our despotic adversary enjoys in the most eminent degree. They are those which a free government necessarily wants. I doubt whether it be politic to aggravate the inequality of such a contest, by a severity of scrutiny, and a hardness of animadversion upon failure, which, by making responsibility too heavy to be borne, has a tendency to make all enterprize too hazardous to be attempted.—Neither again, while I admit and lament the failure of this Expedition, can I agree with those who consider the disappointment of a great object of national policy as synonymous with national disgrace, and as pregnant with national ruin.

Disgrace happily there has been none. Our arms are not only untarnished in this enterprize, but have been crowned with signal success. It is not by military defeat that we have incurred political disappointment.

And as to national ruin, or any real danger external or internal to the state from the failure of this undertaking, and from the judgment of acquittal which it is anticipated the House may pronounce upon the authors of it, I confess they appear to me to be visionary apprehensions.

That the enquiry which has taken place into this subject was proper and necessary; that it was due to the magnitude of the case and to the feelings of the country I admit, as willingly as any man.—I think it will be generally agreed that the inquiry so instituted has been conducted throughout with as much industry and impartiality, as temper and moderation.

I hope it will be felt that those who were implicated in it have not shrunk from the investigation; but have courted it with all becoming deference, and now await the result with all humility, but with all confidence in its justice.

When that result shall be pronounced, I trust that it will meet the dispassionate acquiescence and approbation of the country. Nor do I fear any shock from the failure of the Expedition to the Scheldt (disastrous and afflicting as it has been) or from the conduct of this House upon it, either to th esubstantial and magnificent fabric of the British constitution, or to the sound and solid foundation of British greatness and prosperity. And so, Sir, upon every ground of feeling, reason, and principle I expect from the justice of the House a vote in opposition to the Resolutions of the noble lord.

Mr. *Whitbread* said, that much as he had been surprised at many things which had been uttered in his elaborate speech by the right hon. gent. who had just sat down, he was still more surprised at one omission, which that right hon. gent. had made:—the omission of any attempt at his own vindication in the very peculiar circumstances in which he was placed. To supply that omision, he had a right to call upon that right hon. gent. on the part of that House and of the country. He looked upon him as a man beyond comparison more responsible than the noble lord (Castlereagh) for the failure of the Expedition; he considered him too, not less deeply responsible for having done that which, in the history of the country, no other man could be found to have done. That right hon. gent., knowing what the interests of the country required; knowing besides all those measures which were in contemplation and actually going on, and having information of the Expedition which was in preparation, did nevertheless on the 16th day of April last, go and declare to the duke of Portland, then at the head of the government, that the minister who was to have the conduct of that Expedition was not competent to his situation; that the man on whom the duty devolved of conducting one of the most important operations ever attempted by this country, however he might esteem him in private, however he might value him for his good qualities and virtues, was not competent to the arduous and growing difficulties of his public situation; that the man with whom he was in habits of friendship and confidential intercourse was so unfit for his office as to be incapable of conducting the Expedition. Not satisfied with this proceeding the right hon. gent. went to his Majesty to make the same communication, for fear of any mistake. Yet to the noble lord himself he never communicated his opinion, that he thought him incapable of performing the duties of his situation, but suffered him to originate and conduct to a close that Expedition, which had terminated so calamitously and disgracefully for the country.

Though the right hon. gent. was thus diffident of the noble lord, it did not appear that the noble lord himself was troubled with any distrust of his own talents. It would be recollected that the noble lord on a former occasion, in a speech, which was said to have produced much impression and effect, but which had certainly produced no impresssion on his mind, used an expression as applied to the government, which he should have occasion to notice by and by. In that instance the noble lord had the confidence to state, that the administration was founded on a rock. Little did the noble lord on that occasion suspect that the rock was mined. Little did he think that he was in momentary danger of being blown aloft in the springing of the mine. But as it often happens to him who kindles the train, the right hon. gent. who laid it was also blown up with him. It was the wish of the right hon. gent. to place the noble lord in another situation, a change which the generous feelings of that noble lord, and he was ready to give him every credit for these generous feelings, could not be brought to brook or submit to. It was not his intention to impute improper motives to the right hon. gent., but he was sure that he was bound, both as a public man and as a minister and a statesman, to preserve his character free from such imputations. If it appeared from history, that ministers frequently engaged in wars with a view to preserve their situations; if they were told of Louvois, that having incurred the anger of Louis XIV. he induced his master to embark in a war which was to bring destruction upon thousands of the human race, in order to divest his attention from his own disgrace. These instances should be a warning to the right hon. gent., and make him careful how he should suffer himself to be influenced by similar motives.

It was neither his intention nor his wish to enter into the consideration of the personal feelings and peculiar circumstances of the transaction between the right hon. gent. and the noble lord; but the right hon. gent. had himself twice appealed to the public upon the subject, and once again by his friends. As one of the public, he, leaving both the noble lord and the right hon. gent. at the thresholds of their offices, and passing over every thing private or personal in the case, had a right upon public grounds to demand from the right hon. gent. some satisfactory explanation of his most extraordinary conduct. With regard to the whole of this procceding, he professed himself to be the sincere partizan of the noble lord, not the abettor of the right hon. gent. So far as regarded the public, he would ask the right hon. gent. how he could answer the question which he then called upon him to answer, and which had been put to him before a month since, without obtaining any reply?—He would ask the right hon. gent. how he could answer to his sovereign, how to that House, how to the country? The right hon. gent. had had on that occasion oral communications with his sovereign, which he had concealed from his colleagues. After he had confessed that by his vote he had condemned the secret transmission of written communications to his Majesty, how was the right hon. gent. to defend his own conduct in that instance? He was aware that the right hon. gent. had on the former night attempted to put a distinction between oral and written communications, which to him was not intelligible. It would remain, therefore, for that right hon. gent. to shew in what that distinction consisted, if the question could possibly be reduced to a shape in which the House could touch it? Had not the right hon. gent. pronounced a noble person guilty for making an official communication to his Majesty with a request of secrecy, and in what did the case of the right hon. gent. himself, differ from that when he ventured to make oral communications to his sovereign which he concealed from his colleagues?

The right hon. gent. however, told them with a view to disarm the accusations against him and his late colleagues, had that those gentlemen who brought forward the charges, never found fault with Buonaparté. He had told them that they had often found fault with his Majesty's ministers, and asked whether they had ever, in any instance, blamed the conduct of Buonaparté for having been foiled and defeated at Acre? But what had that House to do with Buonaparté? Their business was not with Buonaparté, his projects, or his failures, but with the right hon. gent. and the noble lord; but, above all, with the right hon. gent., for the manner in which he had conducted himself, in leaving the management of the campaign in the hands of a person whom he had denounced to his sovereign as incapable. The noble lord had undertaken and conducted the Expedition, supposing himself competent to it: the right hon. gent. on the contrary, suffered a person to undertake a measure of so much importance to the interests and honour of the nation, whom he looked upon as incompetent. The noble lord was responsible simply for the failure of the Expedition: the right hon. gent. on the contrary was responsible for having suffered it to be conducted by one whom he thought incapable, and in whose management it had ultimately failed. The right hon. gent. had entered into a long and fanciful detail of observations respecting the balance of power in Europe, a system which had altogether vanished from the political world, and that to justify the policy of a measure which might aid in regaining that balance. But there was no longer any possibility of such a combination in Europe, as in these times could be looked to with any good prospect of restoring the lost equilibrium. After ridiculing in unqualified terms the idea of an Expedition directed to the Adriatic and Trieste, and bestowing nearly equal ridicule on the notion of an expedition to the north of Germany, the right hon. gent. then took credit to himself, and the government of which he had been a member, for their humanity and forbearance in not exciting or encouraging an insurrection in any part of the continent, which they had not the means of supporting; as if any such considerations had influenced their conduct in abstaining from such a proceeding. Oh those tender lambs of Copenhagen! Oh those humane and merciful souls, who so compassionately shrunk from the cruelty of exciting to insurrection those unfortunate persons who may have been disposed to rise against their ruler, but who could not rise with effect! What an overflow of human kindness it must have been which could make them abstain from the atrocity of stirring up to fruitless efforts an unruly population, even though for an object which they themselves looked upon as important?

It could not however be denied that the moment was favourable for an attack upon Buonaparté at a time when his forces had been withdrawn from the coast and the interior, and when his fortune had been balanced, and his fate suspended on the Danube. Both the noble lord and the hon. general (Craufurd) had asserted, that the people in the north of Germany would rise; they had also stated, that Buonaparté had lost 50,000 men at the battle of Aspern. Could it then be doubted, could it admit of a doubt, that an army of 40,000 British troops landed in the north of Germany, would have turned the fortune of the campaign, if there was any ground for expecting an insurrection in the north, an expectation which he for one, had never entertained? But if there had been any reason to calculate on such an insurrection, he would ask whether a British army of 40,000 men, landed at that period, in that quarter, would not have afforded the best prospect of overturning the fortune and power of Buonaparté?

The noble lord had talked, in a strain of boasting, of his projects, and the operations which had been in contemplation. But after the evidence gentlemen had heard at the bar, they must be sensible, that notwithstanding all this empty vaunting, it was their poverty alone that kept their forces at home. To this fact they had the conclusive evidence of Mr. Huskisson—evidence to which he begged to call the most serious attention of the House, but which the right hon. gent. from the nature of his observations and the general tenor of his argument, seemed neither to have heard nor read. It was of no signification whether the King's government had 100,000 disposable troops or not; whether an opportunity presented itself for employing them with effect on the continent or not; whatever opinion might be entertained of the practicability of particular operations, the want of money was an insuperable bar. It had indeed been said, by the right hon. gent. that the government of which he was a member, had considered the relative circumstances, advantages, and prospects of an operation in Italy, in the north of Germany or elsewhere, before the fiat had been issued for directing the Expedition to the Scheldt. But we must contend, that before the war had broken out between Buonaparté and Austria, the Expedition to the Scheldt had been decided upon. Amongst other facts produced by the right hon. gent. in justification of this Expedition he had alluded to a speech delivered by a near and dear relation of his (lord Grey) a short time after he quitted office, in which his relative recommended to the attention and consideration of the ministers who succeeded him, the importance of keeping a constant and vigilant eye upon the Scheldt and Antwerp. Whether the right. hon. gent. took up the idea before or after his noble relation had been said to have suggested it to him, he did not know; but this he could well recollect, that in a speech of that right hon. gent. a short time after he came into office, he solemnly declared, that whenever a measure of policy was recommended to him by his predecessors in office, wherever he could trace their steps in any system of national interest or public conduct, it would be a warning to him not to follow in the same track. In calling the attention of the House, however, to what had been said on the former occasion by lord Howick (now earl Grey) upon the subject of Walcheren, he had forgot to state that the same subject had successively occupied the attention of the government of Mr. Pitt, of lord Sidmouth, of Mr. Pitt again, and of the succeeding administration, as well as of the present; and that after the most mature consideration, all idea of an attempt upon Walcheren had been wisely abandoned by each until the fatal resolution of the administration of the duke of Portland. The Expedition thus undertaken then had failed, and he therefore had justly and urgently to call upon the House of Commons to avenge the public upon those ministers who had subjected the nation to the ruinous consequences of this calamity; but, above all, upon that individual who had declared to the duke of Portland, and afterwards, for fear of mistake, had gone to declare to the King, that the minister entrusted with its conduct was wholly incompetent to his situation.

The right hon. gentleman had favoured them with an explanation of the grounds of the vote which he intended to give, and taken credit to himself even for voting against the Resolution censuring the policy of the Expedition to the Scheldt. But where was the merit in that? Was not the right hon. gentleman, in giving that vote, promoting his own defence, he having been one of the prime movers and abettors of the Expedition.

But it should never be forgotten, it should be always borne in mind by gentlemen, that on the day when the intelligence of lord Chatham having abandoned the further prosecution of the ulterior objects of the Expedition had been received—on the day when the accounts were brought of the retreat of lord Wellington's army; and that, notwithstanding the battle of Talavera, it could not maintain its position,—on the day, when we were informed of the abortive result of the foolish and unprofitable expedition against Ischia and Procida, a result which any man of sense must have anticipated,—on that day, when the cabinet was overwhelmed with an accumulation of disastrous intelligence, and grievously perplexed about the best means of extricating the country from the difficulties in which it was involved,—on that very day the right hon. gent. called upon the Duke of Portland to fulfil his promise respecting the removal of the noble lord, offering in case of refusal the peremptory alternative of his own resignation. At a time when the right hon. gentleman should have been aware that the noble lord who had planned and conducted the Expedition, must be the most proper person to superintend the measures necessary to be taken respecting the retreat and security of the army, one might have supposed that the right hon. gent. would have had some more considerate regard to the situation of his colleagues, and for the emergency of the country. But no; the right hon. gentleman had no mercy for colleagues; in the pursuit of his own views of personal ambition, he cared not what embarrassment he brought upon them or upon the country.

"Hot, cold, wet, and dry,
"All contend for mastery;
"But he threw chaos in."

The right hon. gentleman ardently sought the highest official station in the administration, in which object he was disappointed; and the intrigues that followed brought the marquis Wellesley into the office which that right hon. gentleman held at the time when he wished to introduce that noble marquis into the office of the noble lord, whom he had endeavoured to supplant. When the right hon. gent. had so conducted himself, he was not surprised at the vote which he meant to give. On the contrary, he should have been much surprised if he could have been tempted to vote against his former colleagues. The right hon. gent. had triumphantly quoted some passages from the Moniteur, to shew that Antwerp was not in a state of defence at the time the Expeditition sailed. He had also told them that this town was the darling object of Buonaparté's attention; that it had been made by him a grand emporium of commerce, and a great naval depôt; and then winding himself up to an hyperbole, the right hon. gent. asserted, that one-third of the customs duties of France were collected in the port of Antwerp alone. If it were true, that so much support was derived to the tyranny of France from that city; was it credible then that Buonaparté would have left so important a place without adequate means of defence? Antwerp had been acknowledged by the hon. general, the noble lord, and the right hon. gent., to have been the best object for the Expedition; and yet the right hon. gent. had in nearly the same breath stated, that the Antwerpers were, perhaps, the only people in the dominions of France that had most reason to bless the accidental circumstances that made them prosper under the government of France.

It had been contended that the Expedition had, or might have effected a powerful diversion in favour of Austria; yet the evidence shewed that it could never have led to protracted operations. The evidence of Mr. Huskisson proved clearly that the Expedition could not have been sent to Germany or Italy for want of money. So that after all it was only Antwerp, and the arsenals there, and in Walcheren, that could have been the object of practicable attacks by the Expedition. What diversion then could arise from such operations in support of Austria? The right hon. gent. had indeed asserted, that we were not bound to give assistance to Austria; but when that power had determined to make an effort against France, it was clear that she ought to have been supported.—But, no, the right hon. gent., still acting upon the principles of a narrow and selfish policy, would direct the force of England for British objects to the Scheldt, where no diversion could be effected in favour of Austria. When the bauble of the sceptre to which the right hon. gent. had with so much levity and so little feeling alluded, and the military force of Prussia, had been wielded by Frederick the Great, they were successful in every part of Europe, and it was not the fault of the Prussian soldiers, but the want of mind to command them against Buonaparté, that caused the annihilation of the Prussian army. The British troops, the brave British army, would also prove a bauble, if as badly commanded. Let the right hon. gent. then abstain from calumniating the brave soldiers, but attribute, as he ought, all the sufferings of the Prussian monarchy to the incapacity of their rulers and commanders.

The right hon. gent. had quoted some passages from a speech of his extracted from a London print into the Moniteur, as if some terrible punishment should be inflicted by the French ruler on his subjects in consequence of the observations they contained. But the hon. gent. need not be apprehensive. Buonaparté had hitherto done, and would continue to do what he pleased, without that right hon. gent. being consulted. In the irruption of the French, under Dumourier, into Holland, all the towns alluded to had opened their gates, except Williamstadt. Both the noble lord and the right hon. gent. however had said, that they had not expected so much resistance as had been encountered. He was sorry so often to couple the noble lord with the right hon. gent., but in answering an argument urged by both, however reluctantly, he was obliged to couple them. He must deny that the success of the Expedition had been frustrated by the whole having been driven for shelter into the Roompot. The whole on the contrary was mismanaged both in the parts and in the progress, both in the particular and in the general design. Why did not the marquis of Huntley disembark at Cadsand? Because there were no boats. Provision was not made by the most ordinary resources to procure success, but fail it must unavoidably; it was ill-concerted and impracticable, and from first to last there was no just ground of expectation, no possibility of any beneficial result. The noble lord, in the course of his speech, made use, in his usual manner, of several set phrases which succeeded each other, and again recurred in much the same order in every speech of that noble lord. He must have, however, made an exception of his Talavera speech, for that infinitely surpassed any thing he had ever heard from that noble lord on any other occasion. But in his ordinary speeches, they constantly heard of military means, military resources, military expedients, and the rest of them, but at last the noble lord far outdid himself and had recourse to a new expression, conditional pleasure. He (Mr. W.) had heard of a reward proposed by a certain ancient monarch, for the invention of a new pleasure, and he began to believe that the noble lord would be entitled to it. Whatever it might be, even with the noble lord's assistance, he had not yet made the discovery: though it would appear that by conditional pleasure the noble lord meant simply the King's pleasure.

In the extraordinary defence set up by the noble lord, it was somewhat surprising to find him, bottoming himself for a justification of his calamitous measure upon every illustrious name and glorious achievement, that had in modern times advanced the interests and the character of the country. Was it to be endured that the author of the disastrous Expedition to the Scheldt, should seek for a defence by bottoming his ill advised and ill executed operations upon the precedents of sound policy and corresponding success, to be found in the wise measures of the immortal Chatham? From bottoming himself upon the example of the great Chatham, the noble lord proceeded to a height, at which he continued to think himself elevated, like the poor weak monk upon the summit of Pompey's pillar. He should not disturb the noble lord in his imaginary elevation, but leaving him to enjoy his ideal ascension, advert briefly to the other grounds upon which he had endeavoured to bottom his defence, and in so doing should find it easy to drive him from every hold, and shew him to be completely bottomless.

When the noble lord bottomed himself on the Expedition to Rochfort, he told them that there was not a murmur of dissatisfaction in the nation on that occasion. To be sure, the noble lord was on his defence, and he must be allowed to take every reasonable license: but in this point he had asserted more than he was borne out in by the fact. He thought, at the time the noble lord made the assertion, he could have contradicted him; but, on consulting the history, he was astonished to find so directly the reverse to have been the case. He read that the expectations of the nation were wound up to their highest pitch, and that their disappointment at the failure was equal to their sanguine hopes of signal success. The enemies of Mr. Pitt called it Mr. Pitt's vision. General Mordaunt was tried by a court-martial, and his acquittal created great dissatisfaction throughout the country.

The noble lord had, however, tried to bottom himself on lord Chatham, the great lord Chatham! Why, if the talent of the whole administration were united, and compared with its collected aggregate, the single intellect of that one man, would look as "Ossa to a wart." Lord Chatham dislodged a wretched and intriguing cabal; he was dismissed from office; he rose superior to his difficulties, gained strength from the fall of the mean administration which superseded him, and raised England to the pinnacle of glory on which she stood proudly at the commencement of the present reign. On such a man's acts, he was confident the noble lord could establish no precedent for his conduct. Failing here then the noble lord next bottomed himself upon General Wolfe! General Wolfe went to Quebec, most probably ignorant of his ultimate destination; but he succeeded in his designs, and general Wolfe stands both for us, and for future times, a model of vigorous enterprize and sound discretion. The next person to whom the noble lord had recourse was lord Nelson! Lord Nelson had a foresight peculiarly his own, to which he must remark the present attempted parallel was but ill suited; at Aboukir he depended on himself; he saw that his ships could sail where those of the enemy swam, and accordingly made an attack on them; only one ship of as gallant a captain as any in the navy went on shore; and Nelson said he was glad of it, as it served the others as a buoy; he succeeded in his attack, and attained a glory, in the comparison of which the imbecility of the Expedition under discussion sunk into contemptible insignificancy and nothingness. At Trafalgar he improved on the expedient of Clarke; and at Copenhagen he confirmed all his former successes, and established his transcendant glory. On this immortal hero, either, it was to be seen, the noble lord could find no bottom. The next precedent chosen was the Expedition to Egypt, that Expedition first was intended for Belleisle, and had actually proceeded to Ferrol; it went, however, to Egypt, and the event covered Abercrombie and his brave coadjutors with glory. On this also there was no bottom.

Had these triumphs been introduced on the other side, to place in contrast with them the defeat and disgrace of the late attempt, he should not have been surprised, but he could not suppress the astonishment he felt when they were employed by the noble lord, in the way of eulogy upon the motives by which that project was dictated. He did not know, indeed, where the present ministry could find a parallel. He would remind the House, however, of the expressions of the great Frederic, relative to the men who had preceded lord Chatham. The House might apply them. "They were" said he, "a batch of wretched little lawyers, presuming to compare themselves with prince Eugene, whom the great lord Chatham ousted."

Having in vain tried to bottom themselves, then, upon great precedents, they had recourse to such authority as existed among themselves; and the right hon. gent. consequently declared that general Brownrigg gave an opinion in favour of the Expedition. The fact was, however, he did no such thing. The right hon. gent. then said, the Dutch were sluggish and would not rebel. The general was here too against him; but the right hon. gent. used his evidence most conveniently; affirming it where it made for him, and totally disregarding it where against him. It was said, however, that the gentlemen on his side wished to discredit the evidence of this gallant officer. They certainly did not; they merely contrasted it with the evidence of others, and finding three to one against a gallant general, and the gallant general against the right hon. gent. himself, they drew the obvious inference. But an attack of this kind came badly from those who thought proper themselves to disregard col. Gordon. But it had been found out that col. Gordon was a young man without experience. Now, really he would much sooner be a young man without experience, than an old man in the same situation. He meant no disrespectful allusions, but he certainly had no fear in putting the experience of col. Gordon against that of lord Chatham. By way of an excuse for the appointment of lord Chatham to the command of the Expedition, it had been said he had served in America. This was not the case; he never had served in America. He had served, indeed, in the disastrous campaign in Holland; and, as sir D. Dundas had said, he had no doubt he had behaved very bravely there; but still that was no reason for now giving him the command of 40,000 men. The noble lord, however, had chosen to rely on his own judgment in all his appointments; he disdained military opinions; they were, in the noble lord's language, like lawyers' opinions;—lawyers, who would first deny the validity of the title deed, and then run and purchase the estate themselves. Why, what rogues of lawyers must the noble lord have associated with! What an aspersion did he cast upon his old companions! The noble lord disdained to be influenced by military opinions. There was an anecdote related of Buonaparté on this subject, when he went to take the command of the army in Italy, which was well worth attention. He brought with him a detailed plan of the campaign, which had been digested in Paris: this plan he read to his general officers on taking the command, and after reading it, he tore it. He had a plan of his own, and so had the noble lord. The only difference was, that the one produced victory, and the other calamitous disgraces, for which an indignant country was now demanding vengeance. There was another anecdote recorded of Buonaparté, which would shew his respect for military opinions, and the description of persons from whom he chose to derive them. After a failure in one of his campaigns, he did not choose, like the noble lord, to depend upon himself, nor did he choose to depend either upon his generals or his other captains, but he assembled his non-commissioned officers together, collected their opinions, and abided by their decision. The noble lord had, however, not only thought proper to reject military opinions in the first instance, but even now the common vocabulary could not supply him with a phrase strong enough to express his ridicule of them; he had absolutely coined a new word to express his disregard of the evidence of sir W. Erskine: it was (said the noble lord) "grotesque" and "chivalrous." Grotesque was a term applied to testimony not very intelligible and certainly not familiar in the courts. It might be dullness of comprehension in him, but he really did not comprehend the meaning of it. "Chivalrous," however, as might be sir W. Erskine, he was content to take him as commander of his army, he would give gen. Brownrigg to the noble lord, and they would take the field thus arranged—he had no fear for the issue; and he saw by the noble lord's smile, that he was willing to fight him on his own terms. The evidence of his general he must defend from the imputations cast on it; and he had no hesitation in pronouncing it as clear, distinct, and erudite, as any he had ever heard. It was now most consistently discredited, because it was true; and all his predictions were ridiculed and denied, because every one of them had been calamitously realized.

The noble lord had very freely condemned gentlemen who differed from him on this most important question for conceiving speculative campaigns, and then insisting that they should have been acted on. He was content, however, to take the campaigns of the ministers themselves and to try them for their conduct by the test of their own absurd projects. They were two in number; the first was the campaign of the noble lord and general Brownrigg. They commenced most valiantly. On they went, fighting side by side, and bearing down every impediment. Nothing could withstand them, until at last, unfortunately, the noble lord advised the gallant general to take firebrands, proceed up the Scheldt boldly, and burn the ships—"Indeed (said the gallant general) that is impossible, I am tired," and so ended the exploits of the combined commanders, and the glorious hopes which they had originated. The other campaign was that of gen. Craufurd: and most valiantly did that hon. general cut and dash at every thing which came before him, and a most noble issue had he conjured up; when, unhappily, the vision vanished, and the army appeared at a stand, perishing in the pestilential marshes of Walcheren! The campaign of the noble lord, indeed, disdained any limitations of time; he "was not bound to a day." There was a slight difference in this respect between the plan of gen. Brownrigg and his; the gallant general was bound to a day—all his success depended upon being in such a place on a certain day; and most dismally for his campaign, did it fall out that he could not in the nature of things by possibility, arrive at that place on that day. He would for instance, in the ardour of his fancy, buoy the river and convey the whole fleet up the Scheldt channel in a few hours. This it required fully a week at least to accomplish; and thus the general's famous plan fell to the ground, and for this simple reason, because it was impossible. Little mistakes in time would not appear surprising. When the whole channel was to be buoyed, the general said one day would finish the business; but when the pilot was consulted, he required a week for this purpose. He was not disposed to deny gen. Brownrigg's integrity; but he could not avoid suspecting the deficiency of his judgments. Even in attempting to bear up before Flushing, the two admirals' ships ran ashore; and had it not been for the panic of the enemy, might have been instantly consumed with red-hot shot. Who would believe then, that the gallant general, enterprising as he was, could, possibly, in a few hours, convey up above one hundred ships, through the more extended, more intricate and consequently more difficult navigation of the whole river.

There was, now that he had disposed of the gallant general's most chimerical and fanciful campaign, one circumstance in the evidence which he must allude to, and which, in his opinion, subjected the noble lord to the most severe account and the heaviest responsibity. It appeared that lord Chatham did not know the situation of the arsenals at Antwerp. Now, from intelligence laid before the secret Committee, it was proved that the noble lord did. What was the reason that he did not, as in duty bound, inform lord Chatham? How would he answer to the country for this most culpable neglect. How could the right hon. gent. avert the still more serious responsibility of allowing his incompetent colleague (as he conceived him) to remain in office, and to commit so flagrant a breach of his public duty? He did not wish, indeed, to produce any comparison between the noble lord and the right hon. gentleman. The noble lord had most unquestionably through the entire progress of this question, conducted himself in the most candid and manly manner; he had declared he did not shrink from responsibility, and he had consistently voted for inquiry. The right hon. gent. on the other hand, had affected candour, and acted with duplicity; he had pretended that he sought investigation, and yet he voted steady and staunch against inquiry. He now, indeed, talked of the benefits of this inquiry, when he could no longer avert its prosecution, and pretended to panegyrise that which could have no good result, unless it involved him in merited condemnation. Since this inquiry had proceeded, he had only to regret that the names of the different members did not go forth coupled with the questions which they had separately asked the witnesses: considering from whom many of the questions had come, the effect would have been extremely diverting. The noble lord, for instance, had asked captain Woodroffe (who had surveyed the whole country from the top of a church steeple,) what good he could foresee from the Expedition? The witness answered, "none at all." Foiled in this, the noble lord begged of every one to tell what a desperate weapon Congreve's rockets were. Now this was hardly fair; it was like a tradesman puffing off goods in which he had a concern: but in the end, the noble lord made no use whatever of these destructive instruments, in his speech. But what was the answer of Mr. Woodroffe with respect to them?—Why, that these rockets were deemed very troublesome things; but that of their effects he knew nothing whatever—and who did? Of this evidence, however, the noble lord made no use, and no one could see his object in introducing it. The noble lord, indeed, seemed to have forgotten the greater part of the evidence and documents which he had adduced himself. It did not suit his interest to refer to them, and therefore he had most prudently abstained from touching upon that irrelevant part of the evidence.

He begged pardon of the hon. gent. opposite (general Craufurd), but he really was led away from his campaign by the noble lord; but to tell the truth, he had indulged in a gentle slumber during part of its fatigues. I have indeed wondered, Sir, (said Mr. W.) how your vigour was able to stand it, though my surprise is much abated, when I consider the exertions which you are ever ready to make for the general interest. I really, however, had sunk into a slight oblivion during some of the sieges; though, in truth, few of them took much time. And, when I awakened to resume my services, happening to ask from a friend near me, how far we had got—"Oh, (said he) our general says, 'by God, he has just taken Bergen-op-Zoom.' This oath would, he hoped, never rise in judgment against the gallant officer, but be forgotten by the generosity of the angel alluded to by that interesting writer, whose pictures from nature the gallant officer's speech was strikingly calculated to call to one's recollection. The gallant officer, whose services he knew and respected, was no doubt as tender, as he professed to be of the blood of the soldier, as he was known from his conduct upon service to be prodigal of his own. The gallant officer however, might, like Mr. Shandy, be anxious to mount his hobby horse upon military tactics. The siege of Bergen-op-Zoom might be as familiar to his imagination as that of Namur was to Mr. Shandy. But neither the gallant general nor his friends, the ministers, were fit to cope with Mr. Shandy. Mr. Shandy had plans of all the towns he had to invest, but neither the gallant officer nor his friends had a single plan. The gallant officer, however, expressed a readiness to forfeit his head if he could not accomplish his whole project. But his head was perfectly safe, for he might rely upon it, that he would never be sent to put his project to trial. No, the country had too much of such trials to accede to another, and he trusted the House was too sensible of the nature and consequence of the trial which had taken place, to accede to the gallant general's amendment. What, after the farce and the tragedy which marked this Expedition, was it possible that the House could adopt the proposed amendment, which would go to take away the very substratum of his noble friend's resolutions? What, after the noble minister of war's frequent exhibition of an immense army, on paper, illustrated by the slow difficult preparations of a comparatively small force.—The noble lord, could not therefore so easily get rid of his responsibility. He gave him the credit, indeed, of not shrinking from it; he gave him also the credit of affording a full and complete preparation to the Expedition. The soldiers were well equipped, and the staff quite completed. "Even (said Mr. W.) even the city staff was perfect. The good city of London was represented by the jolliest of her aldermen. (Loud laughing.) To him the noble lord paid the most marked attention. He went to Deal. He was the last person he saw. Oh! how tenderly affecting was the interview! The fleet sailed—how sad was the parting! The noble lord stood on the shore saluting the jolly alderman, and catching his last sigh—when the worthy baronet, in the words of the ballad:

> ———"Waved his lily hand,
> "And bid his noble friend adieu."

But at last the envious winds interfered—the Phœnix spread her wings, and wafted the turtles and the alderman to the destined port. Last night (said Mr. W.) I looked about for him, when an allusion was made to the expence at which the city estimated the Expedition. The jolly baronet was away, but another kissed the rod. He is also a baronet, but that is not sufficient to describe him, there are so many of them; he may be known, however; his face is less round and less ruddy than the other. There were no less than three of them there huddled together on the same bench—three baronets, all elevated for unheard-of-services. But he must leave the aldermen, however reluctantly, and return once more to the noble lord. The army, it must be allowed, when it did go, was fully completed in every thing; the more therefore the guilt of the noble lord and his colleagues, to send it to a place where so many were certain of perishing, and consigned to a premature and inglorious grave. They might have saved them from that calamity, had they attended to the advice and opinions of the officers they insulted, by asking in mockery for their opinions, upon which they were predetermined not to act. But the noble lord dealt hardly by his witnesses, for when they gave evidence, such as he wished, he would have them believed: but if they did not do that, he impeached their testimony. After the production of such witnesses as Mr. Coke, and Mr. Pole, to attest in fact, nothing at all, and the document found upon the dead French officer in Catalonia, to furnish satisfactory proofs of the noble lord's accuracy of intelligence—after the melancholy catastrophe of this ill-concerted and ill-executed Expedition, was it possible that the House could agree to the gallant officer's amendment? This document from the French officer was indeed a curious article of information for the noble lord to rely upon. It was casually formed in 1808, and described the positions of the French army at that time. Yet this document was adduced to justify a great military movement in 1810; because from some loose intelligence since obtained, it was inferred that nearly the whole of that army had gone to the Danube. Such was the nature of the intelligence upon which the noble lord set our military resources in motion. But the noble lord would, it seems, call over the French emperor to bear testimony in favour of his character and the policy of his arrangements. This call, however, the noble lord must expect now to be answered according to the old adage, "that he was married, and could not come." And may that marriage, said the hon. gent. be productive of general felicity, by leading to that peace which France has so often attempted, in vain, to establish with this country.

He had, perhaps not very consistently, indulged in some farce on this subject: alas! he was now come to pure unmixed tragedy: he was now come to a melancholy estimate of the prodigality of human life, and the wanton extravagance of human happiness: he was come to consider the cruelty of men who had sent our troops to perish unnecessarily and ingloriously in the most unhealthy climate in the world, at its most pestilential season! It had been said by way of extenuation of the conduct of ministers, that the last season was remarkably rigorous: he had to state, from good authority, that it was one of the mildest ever known in Walcheren.—As to the question of the gallant general, whether the nation would consent to give up the West India Islands, because their climate was unfavourable to the health of our troops, he would declare for himself, that he did not know whether he would wish to occupy so many of these islands. Certainly he never would consent to retain St. Domingo, at the expence of so many lives as the attempt to obtain it had cost this country. Nor would he assent to the detention of Walcheren, however important it might be deemed in any point of view, even at the hazard of such sacrifices as that island had occasioned. The retention, indeed, of this island was from the beginning evidently impracticable. Our troops had not been long there when they actually became, from the progress of disease, quite unfit for active operation, even had the ulterior object of the Expedition been attainable, and required their aid for its accomplishment. In fact the unhealthy character of this island was not to be doubted. Let the House look to the evidence of captain Puget, and to that of many others; let them look to sir Lucas Pepys, to him, who made such a curious exhibition before the House, who, at first, stated that he did not know any thing of hospital diseases, and came back again to explain his meaning, that he did not know any thing of the internal arrangements of hospitals, as if that could be considered his original meaning. As, well, indeed, might a man be supposed to look into a pair of empty jack boots to ascertain the state of the legs which once wore them. But, yet sir Lucas Pepys, as well as Mr. Keates and Mr. Knight, still asserted, that the misfortune attached to the Expedition owing to the progress of the disease at Walcheren, was not attributable to them. Surely then, this case ought to be inquired into, in order to ascertain the guilt. For what guilt could be greater than that which led to such calamity?

But the noble lord, with his usual singularity of phrase, called this a speculative disease. What did he mean by this? Was there any medical man so ignorant, as not to know that the disease certainly awaited our troops, and was not that certainly soon experienced and fatally ascertained? The House had many returns before it, as to the progress of this disease; but did the noble lord know any thing of the state of the troops at this moment? how few of them were now, or even likely to become, fit for service? One fact alone which had come to his knowledge was sufficient to demonstrate the mischievous effects of this distemper. Out of 128 men composing the light company of the 3rd regiment of guards, all picked men, which went out to Walcheren, not one man was now fit for duty, it being necessary, that those who survived should be nursed like children. Such then was the consequence of an Expedition, the main object of which was to be achieved suddenly; was to be done, as the noble lord termed it, by a *coup de main.* But the noble lord had quite a peculiar conception of that military phrase, instead of regarding it as a prompt decisive effort of courage, he really seemed to consider it as tantamount to a siege; to the slow progress of protracted operations and suspended attacks.—Whatever might be said of the capture of Fribourg and Ismael, that of Copenhagen was not surely a *coup-de-main,* although so denominated by the noble lord. As well, indeed, might the attack made by his friends and himself upon the ministers, if victorious upon this occasion, be considered a *coup-de-main.* They had opened their trenches upon the 23d of January, against ministers; they had frequently mounted the glacis, been victorious, and been repelled, but he hoped they would on this discussion finally triumph for the benefit of their country, still their triumph could not be deemed a *coup-de-main,* unless in the noble lord's singular construction of the phrase.

Now, as to the retention of Walcheren, he declared that he considered that unfortunate proceeding attributable principally to the right hon. gent. who spoke last. He was to blame, for it was he, who, by throwing the apple of discord among his colleagues, produced a degree of confusion and disorder in their councils, which unfitted them for some time for almost any measure of government. In fact, as soon as they recovered from that confusion, that ill-fated island was abandoned. The hon. gent. felt that much more might be said upon the subject; but from the late hour of the night, he was unwilling to trespass farther upon the attention of the House.—Exhausted as he then was, and as the House was, he should conclude by demanding their unanimous and prompt decision. The nation demanded their decision; the wreck of our brave army demanded it; the martyred thousands whom we had left to rot in Walcheren demanded it.—There is, indeed, (said Mr. W.) from the centre to the circumference of the empire, one, united, universal, heart-rending cry for justice. Give it then to the supplications of the people; give it to the sorrows of the army; give it as the last consolation to the widows and orphans of the dead; Give it as a pledge of the honour and integrity of the living. To the people of England, and to the cause of humanity, the punishment of those who have created such enormous evil is a necessary act of duty. The memory of the dead, and the honour of the army call for vengeance upon the authors of this Expedition, and I trust in God that the House will attend to the call.

Captain *Parker* said a few words in vindication of the Expedition; after which the House adjourned.

HOUSE OF LORDS.

Friday, March 30.

[Campaign in Spain.] Lord *Grenville* rose, in pursuance of his notice, to call the attention of the House to certain parts of the correspondence respecting the Campaign in Spain, which he contended had been very improperly made public. He felt himself somewhat embarrassed with respect to the course he ought to pursue—his objection being to the publicity which had been given to certain parts of the correspondence; but the mischief which must arise from the disclosures made through the strange, unaccountable and unpardonable negligence with which this correspondence had been thrown on the table, was, he was afraid, already done. This correspondence had been already printed and published through that House, to Europe and the world, and the consequences would, he much feared, prove highly injurious to the interests of the country. An inconvenience might sometimes necessarily arise with respect to the conduct of negociations from that free discussion which was inherent in the frame and essence of our constitution; but it was an inconvenience greatly overbalanced by the advantages derived to the country from that free discussion. It was, however, a sacred duty at all times incumbent upon the government, to take care that this inconvenience should never be unnecessarily increased to the detriment of the interests of the country, and the injury of its character amongst our allies. It was peculiarly a sacred duty in the King's ministers to take care in the publication of papers relative to negociations, and connected with our transactions with friendly states, 1. That the public councils of their governments should not be betrayed, and that no improper reflections should be made public upon the governments themselves. 2. That no publication should be made of the quarrels or disunions of the leading persons of such governments, or of those confidentially employed by them. 3. It was, above all, a most sacred duty to take care that the safety and the lives of persons confidentially employed by them, or on the part of this country, or from whom information was obtained, should not be lightly compromised, or wantonly put to hazard.

The principles of conduct, which this duty imposed, had been uniformly acted upon in the publication of diplomatic correspondence by the government of this country, until the period when his Majesty's present ministers, upon a former occasion, yielded up their offices, and published without discrimination or selection, a mass of correspondence with foreign powers, several parts of which ought never to have been made public, and the publication of which have tended materially to injure the interests and the character of the country. It was then in contemplation to have made a formal complaint to Parliament of such extraordinary conduct, and he now most unfeignedly regretted that he did not upon that occasion agree, that such a complaint should be made, as it might have prevented a repetition of conduct so unworthy and so disgraceful. He felt it to be now an imperative duty to make a complaint against the ministers, for having published documents of a confidential and private nature, tending to compromise the honour and character of the country, to betray its interests, and to endanger the lives of individuals. The papers respecting the Campaign in Spain, which had been delivered, were full of passages which were most improper to be published. It surely ought to be considered as an incumbent duty of every government, to refrain from publishing any remarks, tending to bring into discredit the general in the chief command of the troops of an allied power, still more to refrain from publishing observations to this effect, which were merely matter of opinion, or at most but of loose suspicion.

His noble friend who moved for these papers had worded his motion so as to leave to ministers the opportunity, as was their duty, of selecting such parts as were consistent with public safety and individual security; that motion being for copies and extracts. That House was no party, therefore, to these disclosures, nor he was sure, was his Majesty, when he granted leave for their production; but let the House see what they contained. The whole tenor of them was to shew the wretched weakness of the Supreme Junta, and especially to impugn the character and conduct of the commander of the Spanish armies. Let their lordships turn over all the proceedings of parliament, and they could not find an instance in which, just at the close of a campaign, a foreign commander was thus brought before parliament with whole pages of invective against him. Such shocking injustice had not before stained their proceedings. He knew nothing of gen. Cuesta; but if he were a man of honour and character, he must feel as acutely as any man in this country would under similar circumstances. He was reviled by ministers in parliament, and their attacks on him published here and throughout Europe, even in the very country where he was serving. How was he to defend himself to the Spaniards against our accusations? Even in the defence of our own general, it did not seem that attacks on character, but that statements of facts in the conduct and operations of the general of the allies would be sufficient. Was it fit for a British minister to make a charge of meditated treachery, implying the bringing into difficulties and the sacrificing of his own army, unless he had a positive certainty of the facts? What foreign general could feel safe if the administration under which this country has the misfortune to groan, would put on paper, make official, and circulate such imputations? At page 50 of the papers, it was stated thus in one of Mr. Frere's letters dated Seville, "It is a matter of general suspicion, and has been for some time past, that gen. Cuesta meditates some serious plan of vengeance, in resentment of the affronts and disgusts which he experienced about half a year ago on the part of the Central Junta. The dispersion and ruin of gen. Blake's army has removed one great obstacle to such a project on his part, and has increased the alarm of those who apprehended it."

Thus it was insinuated that that general was actuated by the basest motives. Insinuations against other generals either of want of talents, or of an indifference to the cause in which they were engaged, were in the same manner indiscriminately published. Of Venegas it was flippantly said in the same letter, "General Venegas himself does not appear possessed of that military reputation, or commanding character, which would be necessary to counterpoise a man of general Cuesta's authority and decided temper."

Thus publishing to the world, that, instead of being united against the enemy, it was sought to poise the Spanish generals against each other, and that such was their disunion, that their time was solely employed in quarrelling among themselves. In the same letter he found, that Mr. Frere, the king's diplomatic minister in Spain, had taken upon himself to give a most decisive opinion upon the talents of the Spanish generals, observing, that, "We have at this moment, by the concession of all the world, only two men who are capable of commanding even a small body of troops in a military manner—general Blake and the duke of Albuquerque; and they both of them find themselves without an army; Blake by a misfortune to which it is impossible to attach any blame; and Albuquerque by a misfortune for which he is still less accountable, that of having given umbrage to the Junta by the circumstances of his birth and fortune, and of having excited the jealousy of general Cuesta by his reputation and popularity among the troops, motives which I fear may lead to the sacrifice of his reputation, and to the loss of his services to the public cause."

Could there be a more outrageous attack upon the Junta, than thus to publish to the world that they had taken umbrage at an able general, merely, because he was a man of birth and fortune, and that his services were thus to be lost to the public cause. And yet their lordships had often been told that this very Junta particularly claimed our support, as the steady and ardent defenders of the rights of their country and of just relations existing in society. But still more in these papers, private and confidential communications were betrayed, for a private letter from the duke of Albuquerque was made public, which was evidently intended to be entirely confidential. In this letter he says, "I must acquaint you, for your guidance, that the whole of the English staff has expressed the strongest wishes that the command of the army should be given to me, and its dissatisfaction with general Cuesta. Almost all the generals, as well as the chiefs, and most of the officers and soldiers, express the same desire. Alava, whose frankness you know, has written in the strongest terms to Valdes pointing out the absolute necessity of removing Cuesta, and that the command should be given either to Blake, Venegas, or myself, though he does not openly mention me, lest they should think he speaks from partiality and interest, being with me." Was it necessary to comment upon the mischievous tendency of such language; was it necessary to point out the pernicious consequences, that must arise from placing gen. Cuesta and the duke of Albuquerque in such a state of mutual jealousy and mutual animosity: Were they to be told that there existed a government in Spain, that there existed at the same time in that country, a description of men, and those of no mean influence, who looked upon rank and fortune as calculated only to excite suspicion, and disqualify men for being engaged and trusted in a cause, the great object of which was the support of a legitimate monarch, and the assertion of national independence? In what a situation was the duke of Albuquerque placed by the publication of this confidential letter, and which it was evident he did not wish to be made public? The duke of Abuquerque and Cuesta were now together in Cadiz, and what must be the feelings of the former when this publication of his private sentiments respecting Cuesta reached Cadiz? But in what a situation was the country placed by these indiscreet, these criminal disclosures? Would not British ministers be in future shunned, and all confidence withheld from them by those governments to whom they may have sent, for fear that confidence should be betrayed by the British government at home, and private and confidential communications laid before parliament and exposed to all the world? Would not this be the natural result of such shocking injustice, as the publication of these papers displayed? The insinuations published in these documents were not confined to generals alone, but extended also to diplomatic characters. It might have been thought, that the Spanish minister accredited in this country would at least have been treated with respect; but, on the contrary, Mr. Frere had chosen to treat M. Cevallos as a man into whom it was impossible to beat common sense.—He says, "In my correspondence with M. de Cevallos, a foolish fallacy, half a dozen times refuted in the course of half a year, was reproduced by him at the end of the discussion."

He wished it to be distinctly understood, that he did not blame Mr. Frere for making these communications; it was of course his duty to collect all the information he could. He could not commend the flippancy of Mr. Frere's remarks upon the conduct of the Spanish generals, and of the Junta, but he was far from blaming his desire to collect and to communicate information: the blame rested altogether with the ministers for publishing that information in the shape, in which it was now before the House. Above all, the most serious charge against the King's ministers, was in publishing circumstances by which the safety and lives of persons were endangered. What vote the House would come to he knew not, but he could not think any man had nerves to defend such conduct. It was not only to birth that humanity and protection were owing, but three other names were brought forward at full length, to whom acts were imputed that would subject them to the implacable hatred of the French government, by whose hands, if they fell into them, they must pay the forfeit of their lives. He could not bring himself to point out these papers: the mischief might have been already done; but if it were not, it was not his wish by being more particular to enhance their danger by giving greater publicity to the documents. Every body was treated alike by Mr. Frere and the King's ministers. General Equia, for instance, of whom he had heard no compromise, "they say, is a man of considerable military geographical knowledge, but with no character for decision, and unfit to command; a useful assistant to Cuesta but not thought much of by him, and that he completed the ruin of his army at Medellin, because he had received no orders from Cuesta." Such publications tended to shut us out of the continent more effectually than Buonaparté's measures did. They tended to insulate us by disgracing our character. He then dwelt on the lamentable events which occurred in this dreadful contest; such as assassinations, and the slaughter of 700 defenceless prisoners in cold blood, which nothing could justify. However we might lament that the passions should be so worked up, retaliation ought to be clearly made out, before we published such accounts. Would they reconcile the people of this country to the loss of our own troops in these campaigns? They could only excite indignation against the cold recital of these acts, and the omission of the interference of the British minister, and of any orders to him to that effect. They were spoken of like the ordinary occurrences of war. He never saw a collection of papers more unfit to publish in any shape. In the last session he saw suppressions and selections, it was true; but not to protect individuals in foreign lands, but to screen ministers themselves from the just and merited indignation of parliament; but when they entertained the vain and shallow hope that by a stigma on Spain they might justify their own conduct, no paper was withheld, even at the risk of incalculable private calamity, and the ruin of the national character. Were there any mode of getting back these papers, their lordships he was convinced would gladly adopt it: but none such occurred. Another bundle was ordered; the constitution and the uniform practice of the government required of ministers to select and prepare it; but after what had passed, the House would make themselves parties to the act, if they did not put themselves in ministers places, and prevent similar errors. He then moved for the appointment of a Secret Committee, to whom the papers concerning Spain and Portugal not yet delivered should be referred, to select and prepare them for the House.

Marquis *Wellesley* professed his readiness to admit the general principle laid down by the noble lord, respecting the selection of diplomatic documents for publication. He was ready to admit, that in answering the demand of either House of Parliament for the production of such documents, a sacred duty was imposed on the executive power to take care that such publications should not violate the good faith subsisting between governments, or expose the personal safety of individuals. Admitting the sacred obligation of that duty, it was also requisite to attend to the nature and extent of the demand of parliament, and to the peculiar circumstances of the case, which, in the present instance must be acknowledged to involve matter of great delicacy and difficulty. This was a case in which parliament and the nation were intitled to know the truth, and it was difficult, if not impracticable, to satisfy that great public and natural right, consistently with the overstrained restrictions which the noble lord would attempt to impose on the preparation of the official documents required for the information of their lordships. Their lordships would at the same time recollect how general and anxious a wish had been expressed throughout these kingdoms, that every aid should be afforded to Spain which might enable her to assert her national independence, and to restore her legitimate monarchy on the basis of the happiness, the prosperity and the freedom of the people.—It was necessary, therefore, to shew how the efforts of this country in the cause of Spain had been disappointed.—Above all it was necessary to shew why the glorious achievements of the British arms in the peninsula, had not been followed by beneficial consequences, equal to their splendor, and to the fair expectations which they had raised both in this country and in Spain. This could not be effected without tracing these failures to their proper cause; and without pointing out the real sources of the calamities which have been accumulated on the peninsula. The real causes of the failures in Spain were not fully understood in this country. It was essential, therefore, to state and ascertain all the facts and circumstances to which those failures were justly to be imputed. It must be the wish of their lordships and of the nation at large, as it certainly was his earnest wish and the wish of all his colleagues, to disclose all these circumstances with the least possible reserve. This, however, could not be effectually done without producing the papers as they appear on their lordships' table from which it must be seen that the dissensions, the intrigues and the corruptions of the Spanish officers, and that the weakness and incapacity of the Spanish government have been the real sources and springs, as well as the proximate causes of all the misfortunes which have recently afflicted the Spanish nation.

The noble Lord is of opinion, however, that the publication of these documents must prove highly injurious to the character of the Spanish government; but the noble lord appears to have forgotten that the Spanish government, to whose conduct the papers refer, is actually extinct. The Central Junta is dissolved in its own weakness, and a different form of government has succeeded. He and his colleagues were desirous to demonstrate the nature, the progress and the result of these events; but they could not discharge their duty, if they were to be precluded from revealing the real state of a government which no longer exists; and which has fallen amidst the confusion occasioned by its own defects.

The noble lord next complains of the publication of Mr. Frere's letter in which that gentleman states his opinion of the character and conduct of general Cuesta. Now he would challenge the noble lord to rise in his place, and to mark a single point in that letter respecting general Cuesta which was not of general notoriety throughout all Spain, which was not in conformity with the opinion of every officer and soldier in the Spanish army; and of every man who really felt and avowed an attachment to the Spanish cause. So thoroughly and universally was the conviction of general Cuesta's incapacity felt, that Mr. Frere, as appears by these papers, had actually demanded his dismission from the command of the army, a circumstance which the noble lord has omitted to notice. He (the marquis Wellesley) on his arrival at Seville did not think it necessary to insist on that demand, being satisfied that general Cuesta could not remain in the command; and that the influence of general opinion respecting his incapacity, the infirm state of his body, and the decrepitude of his mind, must speedily occasion his removal without any interposition of the British power. The noble lord seemed to suppose, (a supposition however in which he was mistaken) that general Cuesta still held a command at Cadiz. General Cuesta has had no command in Spain since his removal, which, to the general satisfaction of the Spanish army and people, took place in the beginning of August.

The next charge made by the noble lord against his Majesty's government (a most serious charge if founded in fact) was a violation of honour in publishing a private letter of the duke of Albuquerque. Now he would assert in front of that noble lord, that there was not a sentiment contained in that letter, which was not of perfect notoriety throughout Spain; that there was not a sentiment in it which that illustrious person had not himself publicly and loudly proclaimed! So far from complaining of the publication of that letter, the duke of Albuquerque would heartily rejoice at it; and confident he was, that he should receive the cordial thanks of that spirited officer, of whose personal friendship he boasted, for having thus publicly recorded his real opinions, and his just pretensions to which on every occasion he was proud to bear testimony. But the talents and merits of that gallant and illustrious commander, stood in need of no testimony from him. Let the safety of Cadiz, let his rapid march for the defence of that last hold of Spanish independence, attest his zeal, his patriotism, his skill, his fortitude and his glory. If Cadiz yet be safe, its safety is due to the prompt decision of that gallant and noble mind, whose conduct formed a splendid contrast with that of many others; who might, therefore, justly condemn examples which he disdained to imitate, and avow his claims to the superior command of the armies of a country whose existence he had saved. Thus far their lordships would see how groundless were the apprehensions, how superfluous the invectives of which the noble baron was so prodigal in censuring the pretended indiscretion of his Majesty's ministers. But the further instances adduced by the noble lord in justification of these invectives, would afford a still stronger proof of the injustice of these charges, and of the ignorance which dictated them. The noble lord, as an additional proof of the thoughtless and unfeeling indiscretion of ministers, has stated the case of three persons, who, it seems, will be exposed to the most eminent danger, and to the most rancorous resentment of the enemy, by the publication of certain facts of the correspondence before their lordships. The noble lord has abstained from naming them; but he could assure the noble lord, that no necessity existed for such affected caution. Their names were well known both in Spain and France; both to the Spanish and the French governments. Indeed, he might add, that the publication of their names, when accompanied by the mention of their hardy deeds, was one of the proudest distinctions to which the Spanish patriots aspired. This was the case of the several leaders of partizan corps, whose names had already been published in the Spanish gazettes for the purpose of honour and fame, as the noble lord would have known if he had been at all acquainted with the real state of Spain. Another case was that of M. Barrios—M. Barrios is represented as having, in retaliation of some cruel and unworthy treatment inflicted on the Spanish prisoners by a French general, caused 700 French prisoners to be driven into the Minho. No man viewed such a deed with more horror, or more lamented such outrages against the laws of civilized war than he did; but is this fact now first revealed by the papers on the table? And what must their lordships think of the correctness of the information upon which the noble baron rests his charges against ministers, when they come to hear the true statement of that fact? Was not the perpetration of that deed notorious throughout Spain, notorious to the French government? Did not Barrios himself not only loudly proclaim, but proudly boast of it at Seville? Was it not published in all the Spanish and French gazettes, has not Barrios even been publicly proscribed by name by the French government? Where then is the secret which the publication of these papers has disclosed? The transaction, however dreadful, was public. M. Barrios had first made a solemn remonstrance against Marshal Ney's proceedings towards the Spanish prisoners, and failing in that remonstrance, retaliation had been ordered.

The noble lord then pathetically deplores the dangers to which the governor of Avila has been exposed, by the publication of these documents. These papers would convict him of having betrayed to the Spanish general Cuesta, letters and dispatches from Joseph Buenaparté and general Jourdan, and thereby expose him to the most cruel resentment of the enemy. But what is the fact? Avila was in the hands of the French; and the governor of Avila was in the French interest. It was not he who betrayed the letters into the hands of general Cuesta; but they were found upon a Spanish friar, to whom they had been confidentially entrusted: What danger then can the governor of Avila incur from the production of those papers? The governor of Avila was still attached to the cause of the invader; and even while he (lord Wellesley) was in Spain, the whole of those dispatches which had been delivered to general Cuesta, with all the circumstances of the case, were published at Seville. None of the persons, therefore, for whose safety the humanity of the noble lord is so alarmed, have been exposed to any danger by the publication of the papers on the table. He moreover believed that they were now out of the reach of the enemy's power; what then is the cause which has thus disturbed the noble lord's temper, and perverted his judgment? The noble lord cannot have read the papers, or he does not understand them. With what confidence then does he come here to charge others with neglect, when he himself is so grossly misinformed; and yet presumes to pass so severe a sentence. The noble lord has betrayed the utmost ignorance with respect to every point upon which he has touched; and he (lord Wellesley) was justified in again asserting, that the noble lord stood convicted either of not having read the papers on the table, or if he had read them, of not understanding them. He trusted, therefore, that their lordships' House would spurn those imputations of indiscretion and neglect, with which the noble lord has charged his Majesty's ministers; and that they would reject a motion which would deprive them of that full information respecting the affairs of Spain, which alone could guide their future determination, with regard to the interests of that country. The papers already on the table, and those yet to be produced, would amply supply that information, and would disclose the truth in full and open day. Their lordships would there see that the weakness, the dissentions, and the corruptions of the Spanish officers and government, were the real sources and springs of all the disasters and calamities which have befallen the Spanish nation. That knowledge would furnish the grounds of a better system of policy for Spain, and perhaps for England, the ally of Spain. That was a question, however, which he should have another occasion more fully to discuss. At present he should implore their lordships not to accede to the motion intercepting the papers by a secret Committee: He implored them not to obscure by their own act the lights necessary for the full and clear knowledge of those great and interesting questions. A most material part of the correspondence consisted of his own dispatches during his late embassy to Spain. These were essential to illustrate the events which had preceded his arrival in that country, as well as the probable course of her future fate. He therefore implored their lordships, that they would not permit any part of his own dispatches to be suppressed; that they would not permit the noble lord to rob him of the advantage of a public manifestation of the conduct which he had pursued during his mission, and that at least the record of his transactions in Spain might be preserved to their lordships and the public, pure and entire.

Earl *Grey*, notwithstanding the loud and triumphant tone of the noble marquis, rose to support the opinions of his noble friend, on the impropriety and unfeeling want of humanity in the disclosures contained in the papers; though he did not dispute the propriety of giving information in every view for their lordships satisfaction, without compromising the safety of individuals. If it were necessary, in justice to individuals and the country, that they should be informed of the character of the generals and commanders of the army, ministers might have given that information without endangering the safety of persons. But the passages in these papers were of a different description. Was that the case of Cuesta? he had heard the noble lord's opinion loudly proclaimed as that of the army, and he had also stated that it did not affect him in that country now! The weakness and decrepitude of Cuesta's understanding had been dwelt upon; but how would that bear hereafter in justification of those campaigns which another opportunity would be afforded to the noble lord to enter upon? We had been told before this, of Cuesta's army being much superior to any other Spanish army that had yet taken the field. We heard nothing then objectionable in his character. Nothing of that kind was heard till now. That night he was arraigned of all sorts of follies and faults, and of no less than treachery. The man was not present to speak for himself: but the sentence of condemnation was to be passed upon him with all severity. The noble lord had called Cuesta's army the best disciplined army of Spain. Was it a slight merit in Cuesta to recruit and discipline that force? Recollect the circumstances of Spain after the dispersion of the two armies of Castanos and the duke of Infantado; there was nothing left in the field, and yet this Cuesta collected the best army! Granting, however, that he was unfit to command, was it quite fair, now that he is removed, to make these heavy charges against him, and the same too against Venegas? The noble marquis says, Cuesta is not now in command. Granted; but it was known to him (earl Grey) that Cuesta was then at Cales, and probably contributing to the defence of that important city, the last port of Spain. But after all that had happened in other parts of the country, who could say what might be the consequences of thus renouncing Cuesta? The noble lord had not sufficiently defended himself against the charge of those (perhaps unfounded) accusations of Cuesta. He said was it not material to know the duke of Albuquerque's opinions? Perhaps not. If, indeed, the assertions generally of officers of rank in the Spanish service were stated, there was no necessity for the production of a private confidential letter, but might it not make some difference with respect to the duke of Albuquerque, that though he loudly proclaimed his opinion, he was endeavouring secretly to obtain the command for himself? Might not that have a prejudicial effect towards him? And what might not he be supposed to feel from it, upon general principles, when he saw the private letter exposed, and representing him, as intriguing for command? Consider the possible consequences of this unadvised publication to the duke of Albuquerque from the impression it might make on the minds of the people of Cales. Might it not be injurious not only to its defence but also to our own interests there, as well as to the cause of Spain? The noble marquis disdained all reserve on other points, and he (earl Grey) was now glad one paper had been produced, as we could thereby disclaim all share in a barbarous mode of warfare. Seven hundred French prisoners, it is stated very coolly, were thrown into the Minho. Possibly this was an act of retaliation; but a matter so horrid made it indispensible, that we should have clearly shewn it to be a retaliation. If ministers thought fit to publish it, they should have told the circumstances. This was the first statement which France could lay hold of on such a subject. France might say, there is your document, and you are not able to show why the thing was done. The effect this might have on the war was obvious, on your own countrymen in prison, and on others in the peninsula, whom the French may take. Though the French have often been highly censurable in the course of the war, yet we know that their army has retained many of the honourable feelings of old France. This they had shewn at an early period of the late war, when they refused to carry into execution the sanguinary decree for giving no quarter to prisoners, English and Hanoverians. Lord Wellington, too, had told them how well they had treated our soldiers after the battle of Talavera. To advert often to this recent attention to the laws of civilized war, which might give France a pretext for departing from this system, was most unwise. There was another case mentioned, of a French officer and some men applying to a Spaniard for concealment, in order to take a Spanish place by surprise; this person let them in, and assinated them all. The noble lord insisted that there was one part of the information contained in these papers, which it was unquestionably most rash and imprudent in his Majesty's ministers to divulge, and that was a passage relative to the governor of Avila; that passage, if translated into French, must shew that the governor of

Avila had betrayed his trust; and if that should come to the knowledge of Buonaparté, who was known to be so severe in his judgment, and so prompt and terrific in his punishment of those who disobey his commands, or were in his opinion faulty in their duty, and negligent of the confidence reposed in them, it would be easy for the House to suppose what must be his fate. Perhaps, in consequence of this information his mandate might, at the moment of this debate, be travelling to Spain for the immediate execution of this unfortunate man, thus made a sacrifice, by the eagerness of ministers to place their own conduct in the most favourable point of view, no matter who else might suffer by it. The noble lord had made a brilliant appeal to the House, and had expressed a wish that every word he had said, and every thing he had done during his residence in Spain, might be published to the world at large. This might be very well on his own part, and he had no doubt but the noble marquis formed this wish from his own opinion at least, that such publication would tend to justify his conduct. At the same time, however, that he did this, it behoved him, when he was about to divulge and publish to the world what had passed between other persons and the British government, to be on his guard, and not promulgate any matters or circumstances on which the fate of others might be implicated, not only as to their characters, but even as to their lives. This necessary caution had, in his opinion, been greatly neglected in many parts of the information given to the House and to the world, in the papers now before their lordships; and the House had no other mode of putting a stop to such proceeding in future but by agreeing to the motion of his noble friend.—There was only one point more on which he would trouble their lordships. In a former debate the noble marquis had justified the conduct of lord Wellington at Talavera, by stating that general Venegas had been stopt in his progress by an order from government, for which the noble marquis could not account; but it had since turned out that general Venegas had been placed in a very disagreeable situation, and that the true cause of his not advancing was from the intelligence he had received, that lord Wellington would not be able to proceed from want of provision. With regard to the papers in question, ministers had, in his opinion, been guilty of a great crime in producing them; and the noble lord had thereby shewn himself totally insufficient to discharge the duties of the important station he then filled. He would, therefore, most cordially support the motion of his noble friend.

The motion was then read from the woolsack, and negatived without a division.

HOUSE OF COMMONS.

Friday, March 30.

[LORD WELLINGTON'S ANSWER TO THE VOTE OF THANKS.] The Speaker acquainted the House, that he had received from lieut. general the right hon. lord viscount Wellington the following letter, in return to the Thanks of this House, signified to him by Mr. Speaker, in obedience to their commands of the 1st day of February last.

Viseu, March 6th, 1810.

"Sir; I have had the honour of receiving your letter of the 2d of February, in which you enclosed the Resolutions of the House of Commons of the 1st of February, expressing the approbation of the House of my conduct, and of that of the general officers, officers, and troops composing the army under my command, in the battle fought at Talavera on the 27th and 28th of July last. In obedience to the Orders of the House, I have communicated to the general officers, officers, and troops, this honourable testimony of the approbation of the House; and I beg leave to adopt this mode of expressing to the House the high sense which I entertain of the honour which they have conferred upon me, and upon the army under my command, and to assure them that I shall endeavour to merit their approbation by a zealous discharge of my duty. I must likewise request you, Sir, to accept my thanks for the kindness towards me which you have manifested in the manner in which you have conveyed to me the pleasure of the House; a kindness of which I had already received repeated proofs during the period that I had the honour of being a member of the House of Commons. I have the honour to be, &c. WELLINGTON."

[EXPEDITION TO THE SCHELDT.] The Order of the Day for resuming the adjourned debate on the policy and conduct of the Expedition to the Scheldt having been read,

Sir *Thomas Turton* rose to submit his

opinion on the subject to the House. The hon. baronet observed, that after the very long and able discussion which this subject had undergone, he should only be wasting the time of that House were he to detain them long. It could not be supposed that he could add any thing to the arguments already adduced in favour of the Resolutions of the noble lord, nor that he could analyse the evidence with better effect than that noble lord had done. It would be necessary, however, before he stated his opinions upon the great question, to premise, that the responsibility attached not alone to the noble lord who had been at the head of the war department, but to all the ministers, still more than to those who had the command of the naval or the military part of the Expedition; in short, that censure was imputable to those persons who composed the cabinet, and that every man who voted on that occasion would be equally responsible for the consequences of that vote. In considering the question, it appeared to him as branching into three heads: First, what was the object of the Expedition? Secondly, what means had been used to carry the object into effect? and Thirdly, whether ministers had been justified in their retention of Walcheren? With respect to the first question, much stress had been laid by gentlemen opposite on the importance of the object—the possession of the island; and it had been stated by a right hon. gent. (the ex-secretary for foreign affairs,) that the Austrian government considered it of high importance, as making a diversion in their favour—This assertion was attempted to be proved by the production of a paper for which a right hon. gent. on the other side of the House (Mr. Canning) had moved. That paper had, however, when brought forward, contradicted the statement which had been made, and thus the strongest argument that had been used in favour of the plan was subverted. The hon. general (Craufurd) had argued that if the troops had been sent into the North of Germany, it would have been attended with no beneficial effect; but he would put it to that hon. general, whether, if the army had been sent to the North of Germany, and some attempt was made in that direction, he supposed there would have been so many in the killed and wounded list as were now in that of the dead and sick? If a diversion was to be made in favour of our allies, its object must have been to draw off the forces of the enemy, concentrated in any one particular place, for the accomplishment of some great purpose.—He would ask, whether this had been the result of the Expedition to the Scheldt? Was there a single man drawn from the Danube? No.—It was said, that if the army of the enemy was not drawn off, others were prevented from joining them. This, however, was proved to be another fallacious subterfuge, as it was well known by ministers themselves, that on the arrival of our troops at Walcheren, the Austrians had been annihilated, and their cause lost beyond the possibility of salvation. The next consideration for the House was, whether the object was commensurate with the risk; and whether the sacrifices we made were not greater than the advantages we had attained. The second object of the Expedition was stated to be the capture of Antwerp; the destruction of the basin of Flushing; of the arsenals and of the fleet which was lying in the Scheldt and building at Antwerp. What then were the means adapted to accomplish the end? It was natural to think, that, on such an occasion, ministers, in deciding on the expediency of the measure, would have consulted experienced persons, on whose judgment they could rely, and in whose opinions they could place confidence. They did consult such men, and five generals of the first respectability and of known military character, declared themselves adverse to the plan, as they considered the risk to be encountered too great for the advantages that might possibly accrue. Notwithstanding this, however, the noble lord (Castlereagh) without consulting the earl of Chatham, the Commander in Chief, or even asking a question of the second in command, sir E. Coote, dispatched the Expedition, the greatest that ever left the shores of this country, without plan, whilst the superior officers were destitute of that confidence which was the soul of energy, and the only basis upon which the hope of success could rest. When sir David Dundas was consulted by the noble lord in the month of March, his lordship said the object was Flushing, and stated that he had intelligence of there being eight sail of the enemy's ships which might be destroyed by a comparatively small force; and the answer given to the noble lord was, that there was no force in a state to be employed for that purpose. Here then was a confession that out of a standing army of 105,000 men, an account of which was on the table of the House, there were not 15,000 to send upon the Expedition. When this fruitless Expedition was at length determined on, sir Richard Strachan was chosen to take the command, which he did with the greatest reluctance, assigning as a reason that he knew it could not succeed.—It was somewhat extraordinary his majesty's ministers did not, when they found this sentiment prevail with the gallant Admiral, entrust the command to somebody else. He knew the situation of the country from personal observation and was well aware that any man affixing a flag on the steeple of Middleburgh, would, in the course of one week, collect from the various depots, for several miles round, an army of 10,000 men. The noble lord, too, should have been well aware that there was no chance of destroying the fleet in the Scheldt, as, on the least alarm, they could have run up above Antwerp. And, in addition to this, he was told by sir R. Strachan, that there was no plan of the navigation of the river; and that, without such a plan, it would be impossible to get up without a pilot on board each ship, which it was impossible to procure. And yet after all these opinions, the noble lord sent out a fleet of thirty-three ships of war, and the greatest force that had ever left England upon a similar occasion. This Expedition sailed under a commander in chief who knew nothing of Antwerp; who knew nothing of the opposition he had to encounter, and who had in fact to wait for information till he got to the place of his destination, while, at the same time, the naval commander declared his conviction that the attempt would fail. The instructions given to the commander in chief were, that the troops were to land, carry into effect as much of the object of the Expedition already detailed as possible, to garrison Walcheren, and the remainder of the forces were to return. So that even supposing there were no difficulties to encounter, by the time the troops arrived at Antwerp, calculating on the deductions which must necessarily take place in garrisoning Walcheren, South Beveland and the other places they passed through, their numbers would not exceed 18,500 men, and that force would have to contend against the army of the enemy, which, from documents on the table, it was proved, contained a force of 26,000 men, amongst whom were 10,000 veteran troops. This circumstance proved the weakness of ministers in relying on the evidence of informers, who were always ready to increase facilities and remove difficulties, but whose information on the present occasion had in every instance proved false. He now came to the question of the retention of Walcheren.—No doubt his Majesty's ministers regretted the many melancholy calamities which occurred in that pestilential island, and sympathized with the distresses of those unfortunate individuals whose misfortunes and sufferings were so great; but they were not the less responsible for their conduct, nor the less culpable for exposing so brave an army to such certain destruction. Here the hon. bart. took a feeling survey of the many disastrous consequences of the troops remaining in the island of Walcheren, and referred to the letters of sir Eyre Coote, and other documents, for a description of the unhappy circumstances attending that impolitic measure, the retention of that island after the principal objects of the Expedition had failed. And now having gone through a detail, which from repetition must have become tedious, he would put it to any twelve men of common sense, whether from the evidence before the House any argument could be adduced to justify ministers in risquing an army on such an occasion. There was another point however to which he had to advert, and which he thought called for the interference of the House. It was the common course of an individual who was accused of a breach of privilege, to go out of the House, and leave the question to the discussion of those who had to judge of the charge. But if a man was to give a vote in favour of his own acquittal, it was contrary to every principle of justice.—His Majesty's ministers now stood in that view; they stand accused of the most serious offences, and he trusted they would themselves see the force and the equity of the remark. Their situation was something similar to a man standing at the bar of a court of justice, who at the moment the jury were about to decide upon his fate, jumps into the box and insists upon dictating the decision to which they should come. He would ask his Majesty's ministers whether, if they were acquitted by a majority equal to their own number, they would call that a justification, or whether, in conscience, they could feel themselves exonerated from all further imputation by such an acquittal?—Was it not sufficient that there were so many others in the House, who were in some measure bound to support their patrons, without themselves lending their aid, and not only assisting to acquit, but actually approving their own conduct? He would put it to their own honour, whether they ought not to retire.—(A laugh was heard on the ministerial bench.)—He knew what was meant by that laugh—it was as much as to say, "Would you do so?" He would do so; and should feel ashamed to act otherwise. The hon. member expressed an anxious hope that the House would do their duty upon the present occasion, and convince the country that they would not suffer the blood and the treasure of the country to be wasted with impunity, in the execution of plans of impotence, calculated only to end in disgrace and national ruin. The hon. baronet, after making some further observations, in which he attributed the losses and disasters that had taken place to the disunions in his Majesty's councils, who were waiting for the eastern star (marquis Wellesley) to illumine the dark horizon, concluded by supporting the Resolutions of the noble lord.

Mr. *Canning* explained that it was not he who moved for the paper alluded to by the hon. baronet as explanatory of the wishes of Austria; nor did he vindicate the Expedition on that ground of continental diversion.

General *Loftus* said, that he had listened with the same degree of attention to the hon. baronet's speech as he had to all that had been advanced by the hon. gentlemen who had previously spoken upon the present important subject, and was convinced that the more this subject was discussed, provided it was with that temper and patience that had hitherto, so much to the credit of the House, been manifested throughout the debate, the more the country would see that ministers were bound to undertake such an enterprise as that which had been undertaken against the great and growing force of the enemy in the Scheldt. But to consider the important question fairly, they must look to the actual situation of Europe at the time this Expedition was undertaken, particularly to the situation of the French and Austrian armies on the Danube, and the severe check the French had met with, which obliged Buonaparté to lay upon his arms for such a length of time, waiting for reinforcements from the interior of France, from the interior of Holland, from the Netherlands, and from the very banks of the Scheldt. Therefore, if there ever was a time for this country to make a great exertion, it was at the time this Expedition took place, which was not only a great diversion for our ally, the Emperor of Austria, but also was that, which we were called upon to make from our own situation, cost what it would.—Besides it was the bounden duty of government not alone to provide means of preservation in case of attack, but to destroy those means of attack, which the enemy was known to be preparing, and by that enterprize to remove altogether the danger of our having to contend for existence upon our own soil. The hon. general then desired they would look to France with all her gigantic powers at present—to look at her in possession of the Netherlands—to look at her in possession of the Flemish ports, and then to look at the Narrow Seas, and to recollect that Holland was not now that Holland that once could and did preserve the balance of Europe, and then fairly to lay their hands upon their hearts and say, if a government consulting the security of the country were not bound to undertake such an enterprize as that which had been undertaken against the enemy's alarming and growing force in the Scheldt? It must have long since been seen that if France was allowed to keep possession of the Netherlands for any length of time, it would not be in the power of all Europe to set any bounds to the progress of her arms. We had seen the United Provinces fall under her power, and France had the command of all the means and resources of that power, at present she had carried her arms into Germany, and extended her conquests there as far as she pleased. Her great object now was, to possess herself of the command of the Narrow Seas, so that our trade should neither go out nor return, but at her pleasure. It was almost fatal to England, that France should be in possession of the Flemish ports, for if any accident was to befal our fleets at sea, that great extent of coast, our north-east coast, would be exposed naked and open to the enemy. The failure of the Expedition led him to call upon ministers to pay attention to that north east coast, particularly to Yarmouth and the neglected batteries there, also to the neglected batteries at Lowestoff; for if the enemy possessed himself of these positions it would be difficult to remove him from them. They were both in situations full of resources, and among the strongest positions in this country, but which had been least thought of, and the most neglected. The hon. general then desired to draw the attention of the House to what had been advanced as to the impression an army might have made upon a fortified town, fully inhabited, and shewed that the great duke of Marlborough, after the Battle of Ramillies, appeared before Antwerp, then in a strong state of defence which had in it twelve regiments; but that the duke being in possession of the avenues to the place, the inhabitants induced the general to surrender rather than risk the destruction of the town. That in the same campaign the duke of Marlborough appeared before Ostend, one of the strongest towns in the Low Countries, which after three days siege, surrendered by the influence of the populace. He now drew conclusions from these historical facts, that government was justified in undertaking such an Expedition as that which had been undertaken against the Scheldt, and against Antwerp, even if there was only a single chance of success, the object being so great; but he maintained, that had Cadsand been possessed according to the original plan, and had not the admiral been obliged by the weather to carry the fleet into the Roompot, the Expedition must have succeeded; that the enemy not being able to defend the important post of Bathz, was a proof of the weakness of their force in Antwerp, for had they been strong there, they never would have given up Bathz in the manner they did, and which opened the whole West Scheldt to our fleet on the 2d of August. This picture was so strong a one, so strongly impressed upon the commander in chief of the land forces, that he early detached that gallant and excellent officer sir John Hope to secure that fort, and had the wind allowed of the transports getting up the West Scheldt, the hon. general maintained that the Expedition would in all human probability have succeeded.

Sir *Francis Burdett* felt it impossible for him to refrain from offering his sentiments on this question, though he doubted whether he should be able to do it the justice which its importance demanded. If any thing could have astonished him, after he had read the papers on the table, the sort of defence set up by ministers would have had that effect.—For what did that defence really amount to, but simply this, that because it was an object of vital importance to destroy Antwerp, we should therefore have undertaken it with means inadequate to its execution. He had thought, that in proportion to the importance of the object ought to be the means employed for its accomplishment. Surprized as he was at this, however, he confessed his astonishment was increased in a tenfold degree at the cool indifference with which the noble lord opposite had affected to argue on calamities which had been derived to the country from his auspices—calamities more disastrous, more disgraceful, and more dreadful than had arisen from any other expedition in the whole history of the war down to the present period. The noble lord indeed, with a phraseology peculiarly his own had expressed a wish to have this Expedition tried by the experience of the fact. In his opinion, that was precisely the ordeal by which, in order to suit the interest of the noble lord it ought not to be tried; because there was not one single fact which did not militate directly against its adoption. The right hon. gent. opposite had, on last night, entered into a long and laboured defence of the Expedition; and in order to distract the mind of the House from the only point to which it should be directed, took a survey of the situation of the whole world; and argued that in such a state of things, an expedition ought to have been sent somewhere.

The right hon. gent. seemed to think that his best mode of defence would be ingeniously to attempt to distract the minds of his judges, and turn their attention from the contemplation of the real merits of the case (hear! hear!) You could not, said the right hon. gent. go to the north of Germany, for there you would come in contact with the broken army of Prussia; you could not go to the Mediterranean, there was no good to be done by landing at Trieste, for there you would not find any Austrian force to co-operate with you—then think of the horrors of treading, as the right hon. gent's phrase was, the Gut of Gibraltar—think of the dreadful dangers of the Adriatic, with the navigation of which this maritime nation was so little acquainted—think of the storms you might there have to encounter.

————————Auster
Dux inquieti turbidus Adriæ!

He was not disposed to deny that every one of those expeditions might have been abortive in their conception and ill-advised in the adoption, but he would deny that any one of them could have met with more complete failure, or entailed upon the country more calamitous consequences, than did the one which was acted on.—(Hear, hear!) Neither the menaced Prussian army, nor the Straits of Gibraltar, nor the Mediterranean Sea, could be more frightfully fatal than the mandate which sent our brave and patient troops to fall before an invincible enemy, the plague, in the marshes of Walcheren; where, as a right hon. gent. (Mr. Windham) had said with a felicity of expression almost peculiar to himself, they were extinguished like a candle in a vault (hear! hear!) Ministers, however, did not think so; they determined to send out an Expedition, and out they sent one, without having obtained one particle of information as to how it should proceed, or taking one single precaution against the many perils which were likely to impede their progress. In March last the noble lord conceived the idea of this campaign; he thought he had a disposable force, and since he had it he was determined to waste it; and so he sent to the Commander in Chief for his opinion on the subject. The Commander in Chief sent back for answer, that he could not spare 16,000 men for the purpose! Sixteen thousand men out of the enormous establishment paid for by the country! The Expedition could not therefore sail in March. No; necessity and the prudence of the ministry prevented it. The fever was not then to be met with, and the ships might then have been taken; and so the Expedition was deferred until the raging of the disease rendered the destruction of the troops certain, and the advanced period of the season made the safety of the armament precarious. In July then they set out to carry the fever, Antwerp, and the fleet, by a *coup-de-main*—(Hear)—a *coup-de-main!* and yet it appeared by the orders of the French emperor to his officers, that he was apprised of their intention even so far back as March. If he had not this certainty, such were the cabals and vacillation of the ministry, that he would not believe they had themselves conceived the project at that period.

He could not help here making one inference, however, from our poverty of force in March last; which was, that the House and the country had been most grossly deceived in the estimate of our loss during the preceding campaign in Spain, which had been laid before them by ministers. If this estimate had been true, it was impossible that we should not have had forces enough to send the Expedition early in the spring to Walcheren; but the estimate was not true. We had lost much more than the ministers chose to disclose, and the country was duped into an opinion, that its situation was more prosperous than it really was. At length, however, the noble lord undertook the Expedition with what disposable force he could muster, against the great skill of the French emperor, and the great power of France, which was now, in effect, all Europe. The noble lord then wrote his most curious letter to the commander in chief, pointing out the advantages of the Expedition, and declaring, if it was not undertaken at that time, that Antwerp would soon be impregnable. After this, what he did do? Why, commenced this important Expedition without one single iota of information! He sent out an immense armament, merely to see whether a blow might not be somewhere struck against the enemy. The noble lord then dispatched the Expedition at last without information on which to proceed, without a plan to guide it, or even the apprehension of any opposition, or a supposition of any danger, until it reached Batz, where all its operations terminated! From the departure of the Expedition, till its arrival at Batz, there was not one step which did not demand enquiry. It was sent out without an idea of danger till it came to Batz, and yet at that very place did this great army, conducted by greater folly than ever had been exhibited on any similar occasion, ends its catalogue of disease and disasters by an announced failure. To send out this Expedition, however, the noble lord was determined, because he considered that there was a fit disposable force in the country; a supposition taken up in direct opposition to the statement of the commander in chief. The noble lord was like the poor man in Horace, who could not be persuaded that all the wealth in the country did not belong to him. Nothing was sufficient to convince the noble lord, that he had not a disposable force.

The indifference of the noble lord to the sad consequences of his own folly and infatuation, was now detestable; the calamities which he entailed on the country were horrible, frightful beyond expression, and the levity with which he treated the subject in the present discussion, truly shocking. The noble lord had an idea, that because Antwerp was at the moment without troops, he might take it at once without difficulty. This was a most fallacious idea. There was, not, most probably, at this moment, a perfect garrison, either at Toulon or Brest; and yet what man in his senses could conceive the notion of taking either by a *coup-de-main!* If these things were to be persisted in—if the wealth, the strength, and the forces of the country were to be thus unnecessarily and unprofitably squandered, it was impossible not to foresee how it would end. The noble lord, had at length, however, thought proper to take some military opinions as to the possibility of taking Antwerp by a *coup-de-main.* He asked the opinion of the commander in chief—he knew nothing at all about the matter, but he referred to four general officers, and they, indeed, produced documents in reply, full of official form, full of affected science, assumed pomp, and perfect inanity. All of them said, if you do so and so, you may succeed; yet all agreed upon the idea of the *coup-de-main* upon Antwerp being absurd and impossible. General Brownrigg proposed two plans of campaign; but there were some slight objections to both; the one was impossible, and the other impracticable. The attempt by Ostend was out of the question; and the other plan, even putting the fever aside, very doubtful of success. However, between the commander in chief who knew nothing about the matter; the officers who knew nothing about the matter; and the minister who knew nothing about the matter, an armament was prepared out of the half recovered wreck of the army from Spain, and the volunteers from the militia.

In such a situation was the military part of the Expedition sent out; the same miserable deficiency in means, plan, and information, attended the navy; the noble lord at the head of the admiralty knew nothing at all—he was quite ignorant on every subject relative to the measure on which he should be informed; so was sir R. Strachan; he told lord Mulgrave so, but lord Mulgrave was not to be persuaded even by fact. "No," said he, "you certainly do know nothing on the subject, but that is the reason I have great confidence in you—and you will do the business very well." Thus in this foolish, scandalous, and imbecile manner, went forth this disastrous Expedition, to diminish the honour of our army, and destroy the best hopes of England. In fifteen days, it was calculated we might have reached Antwerp by Ostend; this was too dilatory for a *coup-de-main,* and was abandoned; the other plan of landing in Walcheren was adopted, and even before we got to Batz the fifteen days were exhausted. But still the ministers and the commanders were delighted—mutual compliments passed between them—it was in this respect the most good-natured expedition he ever heard of. The ministers praised Chatham for his vigour, and he praised the ministers for their preparations; and so he went on gaining laurels and battles, carrying towns which were never heard of before, by a *coup-de-main,* and bearing down every thing before him, for the very best of reasons, because he was not opposed, until at last a wet ditch at Middleburg arrested his progress, and ended his achievements.

As to the navy, the occupation of Cadsand had been stated as an indispensable preliminary, and there accordingly the marquis of Huntley proceeded; but when he arrived, the whole fleet of England could not furnish him with boats to land his soldiers, and so the indispensable object was relinquished. Some persons, it was true, had said, that this failure was not attributable to the want of boats. But the marquis of Huntley gave a different opinion, and that was all the answer which he would give to the objection. Two letters were written on the subject, one home from the admiral, and the other from captain Owen, to the admiral; the latter of those said, the weather was very fine, and the other said it was very bad; one said there was plenty of boats, and the other said there were none; and in this pleasing state of uncertainty, which he would not seek to obviate, rested the question.

At last, however, after many doubts, and failures, and disasters, the batteries were opened upon Flushing, but at such a distance that they could not even silence a little advanced battery before the town. The town nevertheless was taken, and the dreadful bombardment succeeded. Thus it was with ruin in our acts, and hypocrisy in our promises, we attempted to conciliate the people whom we affected to compassionate under the iron despotism of Buonaparté. We destroyed their habitations; we desolated their land, and we then told them we came for their preservation! Inhuman in our prosperity towards the natives, the ague attacked us, and then our minds changed; we became suddenly humane to all, except to our own poor soldiers, whom, lest we should offend the island, we left in their sickness to perish, without a dry spot whereon to lie, or a roof to protect them! This humanity was perfectly consistent with our preposterous management all through. For instance, sir Home Popham was the only person, except the pilot of the fleet, who was supposed to know any thing of the navigation of the Scheldt. To him was entrusted then the conduct of the fleet up to Batz. What did he do? Why, he attempted to go by the West Scheldt, until, by his failure, he found out that he ought to have tried the East Scheldt. Thus this best-informed man in the fleet took the course the most contrary to his interest and object. The gallant captain next went through the Veer Gat, and lord Chatham seemed to think, because this had been accomplished, that the enemy must be totally discomfited. All they had to depend on was the utter impossibility of this passage! Sir Home was next sent to ascertain the passage to South Beveland, and he proceeded to the North. He might just as well have set out from that House for Kensington over Westminster-bridge! (Hear, hear!)—On the 24th, at last, up they got to Batz, and then they came to a stop. Sir R. Strachan, taking advantage of the pause, ventured to hint that it would be convenient to know upon what place the conjoint expedition was to proceed. A council of war was called—they had now come to the grand point from which in future all their operations were to proceed. What did they do?—They set off home.

Thus ended an Expedition which was undertaken by ignorance, and executed by imbecility—an Expedition which wasted the treasure of the country, the lives of our troops, and the honour of our name—an Expedition planned by fatuity and impotence the most unparalleled. Was there then no punishment for those who had sent out this Expedition? Hardly any thing could be stronger against them than the statements which they made in their own defence. Some might perhaps think that he spoke too warmly on this subject. He confessed he could not help feeling warmly for the unnecessary calamities which had been brought upon the country. He maintained that the ministers stood as criminals before the House, and that not only the ministers, but the general and admiral ought to be punished for having undertaken to conduct an expedition, in a state of complete ignorance as to the mode in which the duty could be performed. And nothing less than the impeachment of the one, and a court-martial on the others, could, or ought to satisfy the country. In all their proceedings there was a marked disregard for their country, and a cautious concern merely for their own interests. From beginning to the end they were all the same; all ignorant, presumptuous and imbecile. As to the commander in chief, he could not help saying, that the result of the inspection of the papers on the table was merely wonder how any man, with the feelings of a gentleman, could act as he did; how any man possessed of such conscious and convicted imbecility, could retain his situation. The noble lord was very anxious to separate the question of the medical board, from that of the merits of the Expedition. This he could not do: it excited in him the instant recollection of the brave men who fell victims to the disease. The noble lord betrayed, indeed, through all his speech a callous insensibility to the miseries he had caused, truly shocking; he sported with the death which he had occasioned, and even presumed to persuade the country that its calamities were honours! One would have thought that he who came down with the deaths of thousands on his head, would have expressed some sorrow for the bloody consequence of his own folly and incompetence. But no! the noble lord dared even to compare himself to Chatham, Nelson, St. Vincent, and those brave heroes who had directed our arms, under better and happier auspices, and to constant and imperishable glory. He was amazed how he dared to mention the names of those great men on such an occasion. (Hear! hear!) Why, this dreadful Expedition had cost the country, on a serious calculation from the returns on the table, which, however, were far below the mark, which he had made, three times as many lives as all the glorious naval victories which we had gained since the commencement of the war, including the glorious and decisive battle of Trafalgar! (Hear! hear!) And yet of all this the noble lord spoke with a tranquillity, with respect to which he wanted language to express the feeling of his mind! When every indignant sentiment of patriotism was roused by the contemplation of these calamities, his lordship spoke of disease, death and destruction, as familiarly as girls of thirteen would talk of puppy dogs! The right honourable gentleman opposite (Mr. Canning) had rather deprecated the severity of the House on this point, and therefore he felt that there was at least more propriety in his language. But that right hon. gent. had made use of an argument respecting which he must say a word. The right hon. gent. accounted for the failure, not from the misconduct of ministers, but from the despotism of Buonaparté. This country, in that right hon. gentleman's opinion, came to the contest under great disadvantages, owing to the freedom of our constitution. He should have thought that the right hon. gent. so well read in the Greek and Roman historians, would have been among the last to have broached such an opinion. He (sir F.) had always understood that the energies of Greece and Rome were to be accounted for by the free nature of their institutions. So the most eminent of their historians, accounted for them. These energies had been tried against despots; and if despotism had such peculiar advantages the results ought to have been very different. Machiavel, a finished politician, had declared that the greatness of the Roman people was founded on their freedom. They had indeed flourished, and they had so flourished by opposing despotism with the arms of liberty. So did Athens—her eloquence, and her free zeal, resisted numbers with success. The best and greatest of our own politicians accounted for the eminence in which England stood among European nations, beyond all proportion to her means, from the same cause—the freedom of her institutions. This doctrine of the right hon. gent. who had been lately high in office, and might perhaps soon return to office again, was to him new and mortifying. If these were the sentiments of our rulers, this fact alone, in his opinion, was sufficient to account for our calamities.

He should now most heartily support the Resolutions proposed by the noble lord below (Porchester), though he thought they should have gone farther. The ministers ought to be called to an account very different from a mere censure of that House, and the officers ought to be tried by Courts Martial. But the removal of the present ministers from office was not the only thing to be done for the salvation of the country. Without a change of system—without reverting to the principles of the constitution, with the decline of which the country had declined, no permanent good could be expected. That was his opinion, and he trusted it was the opinion of the country. If we wished to be rescued from our present perilous situation, we must have reform.—Reform which would revive and re-establish the ancient fundamental principles of our constitution. Unless this was obtained, neither himself nor the country would be satisfied. From the folly of not demanding this arose all our calamities. From it arose this Expedition—this child of corruption, expiring by its own inherent imbecility. All their calamities, all their disgraces, were derived from the want of a fair and equal representation. To that, and that alone, the people ought to look; it would be folly to expect relief from any other cause. If this was obtained, they would no longer see ministerial weakness working on abandoned prostitution. This was their only avenue of escape from ruin, imminent ruin. For himself, he cared not, if that ruin was to come, whether it came in the shape of a rotten borough, or an open iron despotism. Of the mismanagement of the medical department he had said little, because it was to come separately under consideration. The minister was mistaken, if he thought to escape by blaming the commanders, though for his own part, he admitted that all were guilty. In looking at this Expedition through all its parts, one could hardly speak of it with the necessary moderation. If in private life, if he saw the catastrophe of men so brave, so patient, so martyred, he could call it nothing else than cool, deliberate, atrocious murder. (Hear, hear, hear!) Though ministers within twelve hours' sail of Walcheren might have had every information, they would not deign to seek it, but sent their soldiers unheedingly to their grave. They now called for vengeance—the honour of the House was pledged to give it; and, for himself, he would say nothing but instant impeachment and court-martial should satisfy the nation for the cruel effusion of their army's blood.

Mr. *Bathurst*, in allusion to what had fallen from the hon. baronet relative to the energies of the ancient commonwealths, begged to remind him that these energies were first impaired by the exertions of factious leaders of the populace, who having destroyed the aristocracy ultimately established a military despotism. There were many points introduced in the justification of the noble lord (Castlereagh) which he could by no means admit. He could not acquiesce in the argument, that because upon general views of policy our allies ought to be supported, and that there was at the moment a large disposable force, therefore the country was to engage in Expeditions which put to hazard some of its most vital interests; much less could he admit the doctrine, that because there was no immediate part upon the continent in which a British army could have come in contact with Austria, therefore we were bound to send an Expedition to another point, where the danger and the difficulties were such as to render the object either as a diversion for our allies, or for the accomplishment of a national benefit, almost wholly impracticable. He could not recognize any claims of policy or justice which made it imperative upon any country to engage in assistance to any ally where the prospect of success to the power to be supported was equivocal and precarious, but the injury to yourself certain and extensive. In appreciating the propriety of the principle by which they were called upon to make a diversion in favour of an ally, his Majesty's ministers were bound to consider, first, the extent of the assistance which the country was able to afford; and next the nature of the risks to which such an effort was exposed. Having said thus much upon the general principle by which the policy of that country ought to be actuated, he had now to apply himself to the particular merits of the Expedition to the Scheldt. In considering that transaction it was a matter of regret that it became the duty of that House to discuss operations with which, from the habits and pursuits of many of its members, they could not be supposed to be very conversant. But it being the province of ministers to advise and direct military expeditions, it of course became the duty of that House to watch over the manner in which their arrangements were carried into effect. That was a duty, however difficult in the practice, which the constitution demanded from that House. It was in his opinion no argument to say, that because upon a former occasion it was deemed expedient to effect the conquest of Flushing with a certain force, therefore the mere acquisition of that place by an armament, under different circumstances, and which had failed in the great object of its equipment, was a justification of the policy which led to the Expedition. It was to be recollected that the proposition of lord Nelson did not embrace any thing beyond the capture of Flushing, which he considered might have been taken with 5,000 men, while the Expedition planned by his Majesty's ministers was one of a great and extensive nature, embracing many objects, to which the possession of Flushing was but auxiliary, but in all which objects this extensive enterprize failed. That Expedition was not only the greatest that ever left this country, but it had also this remarkable peculiarity, that there was not one naval or military officer who had given their sanction to the project. But then it was concluded by the noble lord, that the House of Commons had no right to discuss the plan or to decide against it, upon the ground that the ulterior object of the arrangement was not attempted to be put into execution. He had assumed to limit the whole combination of the arrangement within a certain point, and then contended that the only question for the House to consider, was the nature of the impediments which opposed and prevented its accomplishment. Surely such a course was not one calculated to bring the subject fully into view, in order to ascertain, first, whether the policy was right—next whether the arrangement was proper; and lastly, to discuss the obstructions which contravened the object. The honourable member then proceeded, from various parts of the evidence, to prove that no adequate provision was made to obtain possession of the banks of the Scheldt, so as to enable the fleet to proceed up towards Antwerp, a circumstance which rendered the enterprize abortive from its very commencement. With respect to the argument of the right hon. gent. (Mr. Canning,) relative to the dreadful sickness which affected our army, he (Mr. B.) could not admit its application to the present question. It was most true, that there were cases where the prevalence of contagion in a possession would never influence the government to think of abandoning such possession. It was so with our West India islands, and sometimes with Gibraltar. Still its application to this Expedition could not be admitted, because no analogy existed. There was a vast distinction between that policy which should induce a government to retain, even under all the disadvantages of great mortality, situations long in our possession, with which many interests were connected, and the conquest of a new place equally contagious, but particularly if that conquest was made at the very period when such contagion became most malignant. The question then was, whether on the whole, the Expedition deserved not approbation, but justification or censure? And he should not be deterred, by the apprehension of the consequences which might follow from doing his duty. He agreed that his Majesty's ministers had not been actuated by an intention of sacrificing the army or the treasure of the country. Even the weakest men would at the head of the government be incapable of entertaining any such intention. This species of defence, however, excited his suspicion, because it shewed that the ministers had no ground to stand upon. The House was bound to exercise a controul over all administrations, and whatever might be the future consequences of his vote, however painful a duty he had to perform, he should still perform it. He had nothing to do with any ulterior measure, but he did think that the House would abdicate all its functions, if disregarding the general voice of the country, it could be warped by any consideration, from giving to that calamitous failure its appropriate character, and from pronouncing its censure upon the conduct of those who advised it.

Mr. *Peel* observed, that it was his intention shortly to state the general grounds upon which he was induced to support the amendment of the hon. general (Craufurd) in preference to the rigorous Resolutions submitted by the noble lord (Porchester.) His first reason for that preference was, that he found it established by the evidence upon the table, that his Majesty's ministers had determined upon that armament with the fairest prospect of success. The right hon. gent. (Mr. Bathurst) had argued, that ministers were not justified to risque such dangers as that Expedition was exposed to, merely because the country, at that moment, had at its command a very large disposable force. That the safety of such a force should not be committed, but for objects likely to be effected, and with advantages commensurate to the hazard. He (Mr. Peel) admitted the political axiom, but denied its application. These were objects, which to him, were of the most commanding importance. Was it necessary for him to refer that House to the increased and increasing marine of France? Was it necessary for him to dilate in that assembly upon the facility which the ports and arsenals in the Scheldt afforded, for the consolidation of that naval power? But, though his Majesty's government could not suffer such a danger to the security of this country to escape their contemplation: was there not something in the period at which this Expedition was determined on, which must of itself convince them that the moment had then arrived for combining with our own security a most powerful effort for the general interests of Europe? What, he would ask, would have been the decision of the country, if it had seen its government sunk in a cold and torpid inactivity at that period when the storm was gathering in Germany; when Austria was determined to make one bold effort to resist the unprincipled exactions of the enemy of her independence? In such a state of things was Great Britain to continue regardless because she was not a sufferer—to be indifferent because she was safe? Having then decided to co-operate with Austria, where did true policy point at as the theatre for our exertions? France we knew wished to regenerate her naval greatness, and nature, combined with art, had fitted out the Scheldt as the most formidable position for extending her maritime power. Whether they looked to security from invasion, or to the protection of our commerce, ministers must have felt the necessity of making an attempt upon those sources of our annoyance. Could they have shut their eyes to a danger that was so palpable? Could they say that the cause of our apprehension was remote, or that its extent was exaggerated? Suppose that very danger realized; suppose this House now sitting in judgment upon the ministers who would have so sacrificed the interests of their country, and disregarded the duties they owed their sovereign? With what justice, with what indignation, would the hon. gent. (Mr. Whitbread), who, with such zeal and talents, talents which he (Mr. P.) would not presume to depreciate by the humble tribute of his panegyric, concluded the debate of last night, call them to answer for such a manifest dereliction of their public trust? Would he be satisfied with their defence or their extenuation, because they answered that Lillo and Liefkenshoeik were in a state of preparation and defence; or that the difficulties in the execution of the task had deterred them from the necessary experiment? If the House was prepared to give its sanction to such doctrine, if this tame and spiritless calculation of the risk became the criterion of national enterprize, then at once let it obliterate from the proud pages of its history, the memory and the mention of all its heroic deeds. Then, if in the beginning of the Austrian struggle, the right hon. gent. admitted this country should attend to the precepts of her ally, upon what principle was it that it should refuse to listen to her, at the moment of her depression, when, though her spirit was impaired, it still was not subdued? In her vacillation between peace and war, when it was in evidence that she desired the retention of Walcheren, could his Majesty's government be justified in removing the only fulcrum upon which she rested for support? Sensible of the calamities our army was suffering, and regretting it as sincerely as any man in the empire, yet could it be supposed, that any motive but that of the most commanding and positive importance would have induced his Majesty's government to defer the evacuation of Walcheren?

Mr. *Windham* spoke at length in favour of the original Resolutions.

The *Chancellor of the Exchequer* felt that, notwithstanding the exhausted state of the discussion, of the House, and of himself, he was bound to submit his opinion upon the subject. Although he could not hope to command attention upon a question so ably canvassed already, yet it was due to the question, to the House, and to himself, that he should not allow the debate to conclude without offering his sentiments. The House had heard much of the tragic consequences of the measure under consideration, and they had witnessed a conversion of the tragedy into comedy, by the manner in which some gentlemen on the other side had observed upon it; but in point of argument, he never recollected an occasion in which less was called into action. Of argument, indeed he felt that there never was a case in which opponents had presented less to answer, or friends left less to supply. Yet he did think it necessary to take some part in the debate, and he conceived it fortunate that it fell to his lot to follow a right hon. gent. of the late administration, (Mr. Windham) although it was by no means his intention to follow him literally in his course as usual, of taking the farthest way about the nearest way home. But some remarks had fallen from that right hon. gent. which he should take leave to answer. That right hon. gent. had said that the late Expedition was of such a character that even success could not justify it. Why, it was a little consolatory to think, that in such a sentiment the right hon. gent. enjoyed his characteristic singularity, and he was quite persuaded, that had the Expedition been successful, the right hon. gent. would have stood completely alone in any opposition which he might have thought proper to make to its policy. But as to the right hon. gent.'s idea that the object of the Expedition was to catch at any popularity by the acquisition of a few ships, he assured the right hon. gent. that he was quite mistaken. Those alone could attend to the idea, who were not aware of the important ends, with a view to which this Expedition had been undertaken. Unfortunately those ends were not obtained, and the Expedition had failed. But did it become the right hon. gent. to attach the character of incapacity to an administration, because its Expedition had failed? For surely if such a criterion were established, the right hon. gent. and his colleagues could not stand very high in public estimation, while the Expeditions to the Dardanelles and to Buenos Ayres, were at all in our recollection. [A cry of hear, hear, from the Opposition Benches.] The right hon. gent. submitted that it was fair in him to refer to those events, because gentlemen in a case of this nature were to consider comparative merits. [No, no, from the Opposition Benches.] But he contended yes, yes! for comparison was the fair rule of judgment. If parties were to change sides, he would ask, what could be the pretensions to wisdom or common prudence on the part of those who undertook the Expedition to the Dardanelles, which could not be accounted for upon any consideration of policy, either national or general; or what right had such men to find fault with those who planned the Expedition to the Scheldt, which had in view both a national and a general object?

But it had been contended that the objects of the Expedition to the Scheldt, were unattainable, nay, that it was chimerical to calculate upon their attainment. Before, however, the House concluded upon this assertion, he hoped they would look to the authorities which spoke against it. They had the authorities of general Brownrigg, and of his highly respected friend near him also, (general Craufurd), that the object of the Expedition was attainable; and they had the authorities of lord Nelson, sir Home Popham, and commodore Owen, as to the value of that object. In fact, the occupation of Walcheren, and the destruction of the great naval arsenals of the enemy in the Scheldt, had been deemed of so much importance by various administrations, that that alone formed a sufficient justification for the expence and risk attendant upon the undertaking of the measure under discussion. It was not with a view merely to the destruction of the 10 or 11 sail of the line actually afloat in the Scheldt, that the Expedition was undertaken, but in order to destroy that arsenal which furnished facilities for the preparation of a formidable fleet, in a quarter most dangerous to the safety of this country. But independently of all solicitude for our own interests, the Scheldt was, he maintained, the best point that, under all the circumstances of the case, could be selected for the common purpose of promoting a British interest, and aiding the cause of our allies. It had been said that our army would have been better disposed of if sent to Spain. But he begged gentlemen to consider how unwise it would have turned out to send an additional force to lord Wellington, who found it so difficult to provide sufficient supplies for even the force which he had. In fact, any additional force, in his circumstances, instead of being serviceable, would have rather increased his embarrassments.

There was, however, another reason why an army could not have been sent to any of the points, which gentlemen on the other side recommended, and that was the inadequacy of our means, as appeared from the papers on the table, to defray the expences of any lengthened service. In fact, the country could not afford it, and no other choice remained, than to take the direction objected to, and in which, unfortunately, our efforts had been so unavailing. But, let it be considered, that, although we could achieve nothing in the way of a diversion, in favour of Autsria, which was one of the objects of the Expedition, yet that from the state of the war, a diversion was created in favour of the other object of that Expedition, our own national object being rendered more attainable by the occupation which Austria gave to the troops of the enemy. This he observed, merely to shew that existing circumstances were not so unfavourable to the Expedition, as the gentlemen so earnestly contended. That this latter object was practicable, was, he maintained, apparent, from the evidence, and that the means were sufficient, could not, he thought, be questioned; government did not however undertake the expedition without a conception that it would be attended with risks and losses, but they never calculated upon it as a last stake. They were prepared for all the hazards of war, but they certainly did not expect the ravages of disease; and the former he had no doubt would have been completely overcome, if it were not for the progress of the latter. When gentlemen dwelt so much upon the great disasters of this Expedition, he would beg it to be recollected, that no military failure had occurred in the whole course of it; that in fact nothing had taken place which could be said to redound to the discredit of the country. But the tone in which all the gentlemen on the other side spoke of this event, betrayed the character of their opposition. A right hon. gent. had said, that wind and weather formed part of the plan; but he must be allowed to say, that wind and weather formed part of the failure, of which they were a great cause. He was aware that an hon. officer in his eye, (sir Home Popham), had communicated his opinion, that unless the Expedition sailed within a certain period, adverse winds must be expected—that it was to be remembered, that according to the evidence of admirals Strachan and Keates, the weather was unusually unfavourable, and to that state of the weather was attributable the whole difficulty of our debarkation. Why then, to this circumstance, which occasioned such derangement and delay in the conduct of the Expedition, ministers could not be pronounced any party. But it was said that ministers had no naval authority for the practicability of their project. That, however, could not be maintained by any of those who took the trouble of looking at the minutes of the admiralty.

But the military opinions were urged against them. Let it however be observed, that the opinion of colonel Gordon, for instance, which had been so much dwelt upon, referred only to the danger to which our army might be exposed on its retreat. Now, it was calculated, that our army would reach Bathz on the 3d of August, and it appeared, that so late as the 11th, the enemy had but 26,000 altogether in Antwerp, Bergen-op-Zoom, Cadsand, and all the adjoining country. What then had our troops to apprehend in their retreat from Antwerp, had their object been accomplished within the time in the manner expected? As to the doubt expressed by his right hon. friend (Mr. Bathurst) respecting the plan intended to be pursued, he referred him to the evidence of sir Home Popham and lord Castlereagh, from which it appeared that the resolution was to go on to Bathz, as soon as a footing was secured in Walcheren. That the fleet had not at once gone up the Scheldt, was owing to the same cause which prevented the landing of our force at Cadsand, on the 30th of July, namely, the state of the weather. If it were not for these impediments, for which it could not surely be meant to make ministers responsible, he maintained that our fleet and army would have reached Bathz, as soon as sir John Hope; namely, by the 3d of August, and, if so, they could have arrived before Antwerp by the 4th or 5th, when it was clear from the evidence there was no adequate force there for its defence. The failure then of this great object was ascribable to causes over which ministers had no controul, which indeed they could not reasonably apprehend. Therefore, instead of the observation from the other side, that all circumstances were required to be favourable, in order to insure the arrival of our force in due time at Bathz, he would maintain that unfavourable circumstances alone prevented their arrival—any candid man who followed the evidence would, he was persuaded, admit, that, if our force had reached Antwerp by the 4th or 5th of August, no army could have been formed there to resist the national object of the Expedition. This, however, was an admission, which he did not expect from the gentlemen on the opposite side of the House. Those gentlemen were, on this occasion, seeking their own objects. No doubt they thought it for the benefit of the country to do so, and he would give them credit for the sincerity of that opinion as the ground of their efforts to get into the places occupied by himself and his colleagues. Now he begged to take credit for equal sincerity, in thinking it for the benefit of the country to keep them out. (Hear, hear, hear, from the opposition benches) Was he to infer from that cheer that his sincerity was questioned? If so there was a want of reciprocity, and those gentlemen were not willing to allow to others that credit which they claimed for themselves. But what, he would beg the House to reflect, did those gentlemen look for by the Resolutions under discussion? They looked for the punishment of an administration, which had sought a practicable object by competent means, because that object failed through causes, against which it was impossible for any administration to provide. But he trusted that the House would by the adoption of the amendment of his hon. and gallant friend (general Craufurd) which contained a fair character of the whole proceeding, disconcert the means and frustrate the views of those hon. gentlemen.

The right hon. gent. here read the amendment, which had been proposed by general Craufurd, which, he contended, contained a fair description of the grounds of the Expedition. The right hon. gent. however, who preceded him, had referred to the Copenhagen Expedition, which he described as a lasting disgrace to this country; and at the same time stated, that one of the consequences of that Expedition would have been, that we should have had Danish sailors to contend against at Antwerp. With respect to that Expedition, he begged to say, that it was one which government had not engaged in from choice; it was imposed upon them by the imperious necessity of the case; and with respect to our having Danish sailors to contend against in the Scheldt, gentlemen, he was sure, would not deny, that, if that Expedition had not taken place, we should not only have Danish sailors but a Danish fleet to contend with.

He now came to a very important branch of this case, he meant the conduct of his Majesty's ministers in not abandoning Walcheren as soon as the ulterior objects of the Expedition were found to be unattainable. Upon this part of the case more feeling had very naturally been excited than upon any other. No man could speak of it, no man could think of the loss of valuable lives, without the deepest regret. He could not suppose, however, that those who declaimed loudest upon this melancholy subject, really felt more upon it than his Majesty's ministers. Party opposition could hardly be carried to such a length as to induce gentlemen to believe, that the feelings of regret on one side of the House were more acute than they were on the other. But it was one thing to regret the loss of lives, and another to maintain the accusation that that loss was owing to any misconduct of ministers. Gentlemen had contended that Flushing ought to have been given up, when it was found that Antwerp could not be taken. Now he begged to contend most confidently, that, so far from its being his duty to recommend the evacuation of Flushing when the ulterior object failed, that that very circumstance made it of infinitely greater importance to retain it. If we had taken Antwerp and the enemy's fleet, he should have thought our security had been effected; but having left such great naval means in the hands of the enemy, the possession of Walcheren became doubly valuable. He entreated the House to bear always in memory, that in undertaking this Expedition, government had two objects in view, viz. our own safety and the assistance of our ally; and that as long as the war continued, our possession of Walcheren would have been perfectly secure. The question he was now arguing was not whether it was wise to send an Expedition to the Scheldt, but whether Walcheren being in our possession, an island which had been the object of pursuit to so many governments, ministers would have been justified in giving it up without taking every means of ascertaining whether it was possible to retain it or not? Nothing, indeed, but an absolute conviction in his mind that it was impossible to keep Walcheren without a greater expence of men and money than seemed to be within the means of this country, would have induced him to give it up. Men were certainly always bad judges in their own cause, but he felt no difficulty in stating, that if ministers had, upon the first knowledge of the failure of the Expedition, given up Walcheren, they would have been the objects of accusation by the gentlemen opposite, for having adopted that very conduct which they were now blamed for not having pursued.

He entreated the House to consider what was the situation of ministers when they were in possession of a position of such immense importance to the enemy, both in a naval and commercial point of view. He knew there were gentlemen who affected to treat commercial objects with contempt, but his Majesty's ministers could not have been justified in acting upon such a feeling. They knew the commercial importance of Antwerp; they knew that in 1806 the customs of that city were one third more than those of all the other ports of France put together; they knew also, that by retaining Walcheren, the enemy would not only be deprived of that revenue, but of all trade from which it proceeded. It was therefore a question of importance, whether they should give up the key of that commercial town. This he admitted was a small object compared with Antwerp, as a naval station; but certainly it was one which ministers would not have been justified in leaving out of their consideration. It had been stated by his right hon. friend (Mr. Canning,) that the last advice of lord Grey, when he was going out of office to his successors, was, to attend to the growing strength of the enemy in that quarter. The same subject occupied Mr. Pitt's attention in his first and in his second administration, and also the attention of that of lord Sidmouth; and the plan was abandoned, not because the place was not healthy, but because a sufficient disposable force could not be spared for the purpose of attacking it. If the plan of attacking Walcheren had been given up by their different administrations, because the island was unhealthy, they would not have recurred, as they did from time to time, to the same project, because that objection would have always applied. His Majesty's ministers had therefore the authority of all these preceding governments in their favour, with regard to the importance of obtaining this object, and it certainly could not be supposed that Mr. Pitt, lord Sidmouth, or lord Grenville meant to have taken Walcheren and to have given it up immediately; they must have meant to retain it.

In addition to these high and concurrent authorities, he might have quoted those of lord Nelson, lord St. Vincent; and indeed, of almost every naval officer. It would not be forgotten that the House had before them the letter of sir R. Strachan, pointing out the importance of Walchecheren, and pressing Ministers, in the strongest manner, not to give it up, until he had an opportunity of conversing with them upon the subject. In what a situation would ministers have stood, if, after this letter from sir R. Strachan, they had at once, without examination, without consultation, abandoned the island. If such had been their conduct, how loud would have been the accusations of the gentlemen opposite to him. He felt that against such a charge he should have been unable to make a defence. Let it be recollected that ministers had an opinion before them that Walcheren was tenable, and for that opinion he referred to the evidence of sir H. Popham. It was also to be considered that neither from the dispatches of lord Chatham, nor from any thing the noble lord stated on his return from the Expedition, could ministers collect any thing to weaken the opinion they were induced to adopt, as to the practicability of retaining this island. The noble lord, no doubt, urged the propriety of furnishing an adequate garrison, but not a word about the indefensibility of the island. It would, no doubt, be asked, why abandon Walcheren under all these considerations. He would answer, in consequence of the second report of sir R. Strachan, which was among the documents on the table.—In the first letter, this gallant officer stated, that Walcheren was quite tenable; that a plan for its complete defence was drawing up, and that it ought not to be given up. But in the latter report, the gallant officer communicated his opinion, that in consequence of the cessation of the war with Austria, the enemy would be enabled to bring such a force to act against Walcheren, as it would not be in the power of this country with any reasonable proportion of its means, to withstand, ministers therefore determined on the evacuation of the island.

If upon due consideration it had been found expedient to keep the island, means might and would have been taken to secure the health of the troops. Recourse would have been had to floating barracks, for it was to be observed that the sailors were not afflicted with the sickness. Indeed, with our naval means, a considerable part of the garrison of Flushing might have passed a part of the year on the coast of Kent, therefore there was no reason to apprehend that by the retention of that island, any troops would have been destroyed. And here he would ask it of the candour of hon. gentlemen, if the evacuation of Walcheren was an operation, which could be carried into execution as soon as it had been resolved upon.—If it was or could be made the operation of a day? Supposing that evacuation to have been determined upon at a given time—that it had been determined upon by his Majesty's ministers, as a wise measure to evacuate that island—was there nothing worthy of consideration as to the propriety of the means by which that desirable object was to be carried into effect? The first object of their proceedings must be the removal of their sick. Would the precipitate abandonment of the island have been the best way to secure that object? Or in order to secure the safe and tranquil re-embarkation of the sick, was it not expedient that the healthy troops should be in undisputed possession of the island? Or would it have been a more summary way to have called off the healthy troops at once, and abandoned the sick to their fate? Well, then it is admitted that we should have first brought home our sick; and now let those gentlemen who have been so fine in their random flights at speculative censure, come down for a moment to the simple sobriety of fact. The navy could not bring home our sick—transports must of course have been employed in that melancholy service. After the transports had arrived they necessarily underwent the process of fumigation, and after that, returned to convey the remainder; for we could not command the means of tonnage to convey them all home at once; and then after the sick had been brought home, and not before, commences the evacuation by the healthy part of the troops; even this slight statement was, he believed, sufficient to shew that it was not possible to evacuate Walcheren at the time that it might have been thought expedient to evacuate it.

And this brought him to another question, involving still more conclusive reasons for the subsequent delay in the retentention, than those arising from mere practical difficulties. Would it have been right, under the existing circumstances, to have evacuated Walcheren so precipitately, independently of the physical impracticability of doing so? And now he would state to the House one fact—on the 10th of October the government had received intelligence to their minds satisfactory, that hostilities were on the eve of re-commencing between Austria and France—Now, suppose ministers, after having received that intelligence, had nevertheless determined upon the abandonment of Walcheren, and that hostilities upon the continent had actually recommenced, how easily was it to anticipate the torrent of invective that would have poured upon ministers from the hon. gentlemen opposite for abandoning at such period a conquest before so dearly bought, and then so critically important? Was it a rash supposition to imagine at that time the breaking out of hostilities between Austria and France? Was there nothing in the wavering and uneasy alternations that preceded the treaty of Vienna, to countenance the belief that the contending powers might again rush to arms, and another battle be fought for the political existence of the continent? And if there were grounds for an expectation so anxious, would Walcheren have been nothing in our hands against the common enemy?—Or would it not have been a most desirable, a most important means of annoyance? But there was yet another ground upon which, conjointly with the preceding, he thought the retention of that island defensible. On the 10th of October, for the reasons he had stated, it would have been wrong to have given it up, comparing fairly the good and evil arising out of the act of retention. The good effects he had observed upon—the bad was in one word, sickness—an evil lessening every day. Look to the report of doctor Blane—the distemper uniformly abates in October, and terminates in November. Here then the risks of the evil were momentarily decreasing, while the advantages reasonably to be calculated upon, rose with the crisis itself. At such a crisis, Walcheren ought to have been kept at any hazard, but at that very crisis the hazard proportionably decreased. And yet the gentlemen opposite would have it, that it ought to have been abandoned before the issue of that crisis which might have made it formidable was ascertained. As to the conquest itself, as he had already stated, he had not been without his apprehensions of its risks. But were was the military operation without its hazards? Gentlemen opposite would have an expedition subject to no chances, and secure of intermediate as well as ultimate success. Their theory, he must say, was more perfect than their practice. But still it was insisted upon that Walcheren was unhealthy during part of the year—why St. Lucia was unhealthy—St. Domingo was unhealthy. We retained them; and yet, though beyond comparison more unhealthy, they were beneath comparison with the acknowledged importance of Walcheren. He would detain the House no longer, wearied as was their attention, and exhausted as was the subject. He had reluctantly endeavoured as it were, to drag them along with him through a length of detail that lent him no aid and to which his very humble efforts could impart no interest. He thanked the House for the candour of their attention, and he should sit down with simply stating, that it was his anxious and earnest wish as well as that of his colleagues to retain Walcheren, if that retention could have been practicable; and that their greatest regret was, that it was not possible to retain a conquest, which if retained would have proved invaluable.

The House now became exceedingly anxious for the question, when

Mr. *R. Dundas* rose, and after some time obtained a hearing. He assured the House, that at that late hour in the morning (four o'clock) he would not detain them long, but allusions of a personal nature having been made, he conceived it his duty to reply to them. His Majesty's ministers had been charged with intrigues and cabals, and with having sacrificed by them the lives of many brave men. The hon. gent. who had used that language would not be surprised if he (Mr. D.) should call for something more conclusive than his mere assertion for the truth of it. If my lords Grey and Grenville, and "all the talents" had been in power, the island of Walcheren would not have been evacuated one hour sooner than it was. With respect to the topics which had been urged by the hon. baronet (sir F. Burdett) respecting the answer of the King to the citizens of London, when they presented their address for an inquiry into the failure at Walcheren, his Majesty had stated that there was no necessity to institute any military inquiry. The noble lord (Porchester) had very candidly confessed that no blame was imputable to the military or naval commanders of the Expedition, yet his Resolutions included them in censure. He would ask the gentlemen opposite, whether, when the clamour had been raised against these commanders throughout the country, and when the noble lord did not in his speech attach blame to them, an apology from those gentlemen for having raised the clamour was not necessary, and whether an expression of retraction should not have been expressed in the Resolutions? Did the House think that the interests of the country would be benefited by ministers yielding to the factious clamours of any set of men merely for a momentary gratification, and bringing military men to trial, he would not say disgrace, because acquittal must necessarily have followed in that case? Would it be endured he would repeat, that two meritorious officers should be placed in jeopardy for the sake of satisfying the shabby, paltry, and contemptible feelings of any set of men? The right hon. gent. trusted it would operate as a warning to the country in future, and that they could not easily give in to such feelings. When military officers did their duty, as in the present instance, they were entitled to some better reward after being liable to the fortune of war, and it would not be an act of justice in any minister to abandon them.

Mr. *Tierney* spoke at considerable length in favour of lord Porchester's Resolutions.

The call for the question was again loudly repeated.

Mr. *Brougham* expressed his most perfect conviction, that when a subject, embracing the vital interests of the empire, one in which every man was anxious to ascertain the exercise of that duty which the House of Commons owed its constituents, was in discussion, he could not satisfy his feelings even by voting for the original Resolutions, if the matter was to rest there. He had a confidence that those who felt for the country's calamities, would first support the present Resolutions, and looking forward to the ulterior consideration, which could alone afford the country justice for the past, and guard against similar delinquencies in the future. Those who, on the other hand, could limit their sense of duty to the present Resolutions, would of course support them, inadequate as in his mind they were to any other purpose but the salvation of ministers.

Sir *Home Popham* wished to clear up two or three points. We endeavoured to catch the explanation, but the House was so clamorous we could not collect it correctly.

Strangers were then ordered to withdraw, and the House divided on the original Resolutions of lord Porchester.

For Ministers - - - - - - 275
For the Resolutions - - - - - 227
Majority for Ministers —48

A second division then took place on the first Resolution of general Craufurd, which was as an Amendment to the original Resolutions.

Ayes - - - - - - - - - - 272
Noes - - - - - - - - - - 232
Majority for Ministers —40

A third division took place on the omission of the word "nor," which was moved by Mr. Canning.

Ayes - - - - - - - - - 275
Noes - - - - - - - - - 224
Majority for Ministers —51

The fourth division was on the last Resolution of general Craufurd, declaratory of the approbation of the House in the retention of Walcheren, and consequently approving the conduct of Ministers in that respect:

Ayes - - - - - - - - - 255
Noes - - - - - - - - - 232
Majority for Ministers —23

Adjourned on Saturday morning at half past seven.

List of the Minority.

Abercromby, hon. J.
Adam, Wm.
Adams, C.
Addington, rt. hon. J. H.
Agar, E. F.
Allen, Alexander,
Althorpe, vis.
Anson, G.
Anstruther, rt. hon. sir J.
Antonie, W. L.
Astley, sir J. H.
Aubrey, sir J.
Babington, T.
Baillie, E.
Baker, J.
Bankes, H.
Barham, J. F.
Baring, A.
Baring, T.
Bathurst, right hon. C.
Bernard, S.
Bewicke, C.
Biddulph, R. M.
Blackburne, J.
Bligh, T.
Bouverie, hon. B.
Bradshaw, hon. A. C.
Brand, hon. T.
Brogden, J.
Brougham, H.
Browne, A.
Buller, J.
Bunbury, sir T. C.
Burdett, sir F.
Byng, G.
Calcraft, J.
Calvert, N.
Campbell, lord J.
Campbell, D.
Cavendish, lord G. A. H.
Cavendish, W.
Cochrane, lord,
Coke, T. W.
Colborne, N. W. R.
Combe, H. C.
Cooke, B.
Cooper, E. S.
Cotes, J.
Cowper, hon. E. S.
Creevey, T.
Curwen, J. C.
Cuthbert, J. R.
Davenport, D.
Deponthieu, J.
Dickinson, W.
Dundas, C.
Dundas, hon. L.
Eden, hon. G.
Elliot, right hon. W.
Estcourt, T. G.
Everett, J. H.
Evelyn, Lyndon,
Euston, earl of
Fane, J.
Fellowes, hon. N.
Fergusson, R. C.
Fitzgerald, lord H.
Fitzgerald, right hon. M.
Fitzpatrick, rt. hon. R.
Fitzroy, lord W.
Foley, hon. A.
Foley, Tho.
Folkes, sir M. B.
Folkestone, viscount
Forbes, viscount
Frankland, W.
Freemantle, W. H.
Gascoyne, J.
Gell, P.
Giddy, D.
Giles, D.
Goddard, T.
Gower, earl
Grant, G. M.
Grattan, right hon. H.
Greenhill, R.
Grenfell, P.
Grenville, lord Geo.
Hall, sir J.
Halsey, J.
Hamilton, lord A.
Hibbert, George
Hippisley, sir J. C.
Horner, F.
Howard, hon. W.
Howard, Henry
Howarth, H.
Hughes, W. L.
Hume, W. H.
Hurst, R.
Hussey, T.
Hutchinson, hon. C. H.

Jackson, John
Keck, G. A. L.
Kemp, T.
Kensington, lord
Knox, hon. T.
Lamb, hon. W.
Langton, W. G.
Latouche, John
Leach, J.
Lefevre, C. S.
Lemon, sir W.
Lemon, C.
Lemon, J.
Lester, B. L.
Lloyd, J. M.
Lloyd, sir E. P.
Lockhart, J. L.
Long, R.
Longman, G.
Lowndes, J.
Loveden, E. L.
Lyttleton, hon. W. H.
Macdonald, J.
Madocks, W. A.
Mahon, viscount
Markham, J.
Martin, Henry
Matthew, M.
Maule, hon. W. R.
Maxwell, W.
Meade, hon. J.
Mexborough, earl of
Milbanke, sir R.
Mildmay, sir H. St. John
Mills, W.
Milner, sir W.
Milton, viscount
Moore, Peter
Morpeth, viscount
Morris, E.
Mosley, sir O.
Mostyn, sir T.
Nevill, hon. R.
Newport, rt. hon. sir J.
Noel, C. N.
North, D.
Northey, W.
Nugent, sir G.
O'Callaghan, J.
Oglander, sir W.
O'Hara, C.
Ord, W.
Osborne, lord F.
Ossulston, lord
Palmer, C.
Parnell, H.
Patten, P.
Peirse, H.
Pelham, hon. C. A.
Percy, earl
Phillips, R. M.
Pigott, sir A.
Pole, sir C. M.
Pollington, visc.
Ponsonby, right hon. G.
Ponsonby, hon. G.
Porchester, lord
Portman, E. B.
Power, R.
Prettie, hon. F. A.
Pym, F.
Quin, hon. W. H.
Ram, A.
Ridley, sir M. W.
Robarts, A.
Romilly, sir S.
Russell, lord W.
St. Aubyn, sir J.
Savage, F.
Saville, A.
Scudamore, R. P.
Sebright, sir J. S.
Sharp, R.
Shaw, R.
Shelly, T.
Sheridan, rt. hon. R. B.
Shipley, W.
Smith, G.
Smith, J.
Smith, S.
Smith, A.
Smith, W.
Somerville, sir M.
Stanley, lord
Steward, Jas.
Symmonds, T. P.
Talbot, R. W.
Tarleton, B.
Tavistock, marquis of
Taylor, M. A.
Taylor, C. W.
Taylor, Ed.
Temple, earl of
Templetown, visc.
Thompson, T.
Thornton, H.
Tierney, right hon. G.
Tighe, W.
Townshend, lord J.
Tracey, C. H.
Tremayne, J. H.
Turton, sir T.
Vansittart, George
Vernon, G. G. V.
Walpole, hon. George
Ward, hon. J. W.
Wardle, G. L.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Wilkins, W.
Williams, D.
Williams, sir R.
Windham, right hon. W.
Winnington, sir E.
Wynn, sir W. W.
Wynn, C. W. W.

PAIRED OFF.

Bagenal, W.
Blackburne, J. L.
Bouverie, hon. E.
Campbell, George
Coke, Edward
Craig, J.
Daly, right hon. D. B.
Latouche, right hon. D.
Latouche, R.
Miller, sir Thomas
Shelly, H. jun.
Stanley, T.
Wharton, J.

Mr. Baillie, of Inverness, was shut out in the first division, but voted with the minority in all the subsequent divisions.

Mr. Hobhouse was unable to attend; We are authorized to say, he would have voted in support of all lord Porchester's Resolutions.

List of the Majority.

Andrews, M. P.
Arbuthnot, right hon. C.
Archdall, M.
Ashburnham, hon. G.
Astell, W.
Bagwell, right hon. W.
Baillie, G.
Baker, P. W.
Bampfylde, sir C. W.
Barne, S.
Barry, J. M.
Beach, M. H.
Beaumont, T. R.
Bentinck, lord C. C.
Benyon, R.
Beresford, lord G. T.
Beresford, J. C.
Beresford, J. P.
Bernard, viscount
Bernard, Thomas
Bickerton, sir R.
Binning, lord
Blackford, B. P.
Bonham, H.
Bootle, E. W.
Bowyer, H.
Boyle. D.
Brandling, C. J.
Brodrick, hon. W.
Brooke, lord
Browne, right hon. D.
Browne, J. H.
Brownlow, W.
Bruce, J.
Bruce, lord
Buller, sir E.
Buller, J.
Burrell, sir C. M.
Burton, F.
Calvert, J.
Campbell, A.
Canning, right hon. G.
Canning, G.
Cartwright, W. R.
Castlereagh, visc.
Chaplin, C.
Chaplin, C. jun.
Cholmondeley, T.
Chute, W.
Clements, H. J.
Clephane, D.
Clinton, H.
Clive, viscount
Clive, H.
Clive, W.
Clonmell, earl of
Cockerell, sir C.
Codrington, C.
Colquhoun, A.
Cooper, hon. C. A.
Cotterell, sir J. G.
Crickett, R. A.
Croker, J. W.
Curtis, sir W.
Daniel, R. A.
Davies, R. H.
Dawkins, James
Deedes, W.
Dent, J.
Desart, earl of
Desbrowe, E.
Drummond, H.
Duckett, G.
Dufferin, lord H.
Dugdale, D. S.
Duigenan, right hon. P.
Dundas, right hon. R.
Eliot, hon. W.
Ellice, W.
Ellis, C. R.
Ellison, Richard
Eyre, A. H.
Farmer, W. M.
Farquhar, J.
Fellowes, W. H.
Ferguson, J.
Fetherstone, sir T.
Finch, hon. E.
Fitzgerald, A.
Fitzgerald, W.
Fitzharris, viscount
Fitzhugh, W.
Forrester, C.
Foster, right hon. J.
Foster, J. L.
Foster, hon. T. H.
Foulkes, E.
Gibbs, sir V.
Gipps, G.
Glassford, H.
Gooch, T. S.
Gordon, J.
Gordon, W.
Goulburn, H.
Gower, lord G. L.
Graham, sir James
Grant, Charles
Grant, F. W.
Grant, sir W.
Greenough, G. B.
Guernsey, lord
Hall, Benjamin
Houblon, J. A.
Hamilton, sir C.
Hamett, J.
Harvey, Eliab
Heathcote, T. F.
Henniker, lord
Herbert, Charles
Herbert, H. A.
Heron, P.
Hill, sir G. F.
Hinchinbrooke, viscount
Hodson, J.
Holford, G.
Holland, sir N.

Holmes, W.
Hope, hon. A.
Hope, hon. C.
Horrocks, S.
Houston, A.
Hume, sir A.
Huskisson, W.
Jenkinson, C.
Jenkinson, hon. C. C. C.
Jephson, D.
Jocelyn, lord
Jodrell, H.
Johnstone, G.
Jolyffe, H.
Jones, G.
Irving, J.
Innes, P.
Kenrick, W.
Kingston, J.
Knatchbull, sir E.
Kynaston, P. J.
Lascelles, hon. E.
Lascelles, hon. H.
Leigh, J. H.
Leigh, R. H.
Lethbridge, T. B.
Lloyd, H.
Lockhart, W. E.
Loft, J. H.
Loftus, W.
Long, right hon. C.
Longfield, M.
Lovaine, lord
Lowther, James
Lowther, viscount
Lushington, S. R.
Lygon, hon. W. B.
Macleod, R. B. A.
Macnaghten, E. A.
Magens, M. D.
Mahon, hon. S.
Maitland, J.
Manners, lord C. M.
Manners, lord R.
Manners, Robert
Manning, W.
Marryatt, Jos.
Maxwell, W. jun.
Mellish, W.
Monckton, hon. E.
Montague, M.
Montgomery, sir H. E.
Moore, lord H.
Mordaunt, sir C.
Morgan, sir C.
Morris, R.
Muncaster, lord
Mundy, E. M.
Murray, lord James
Murray, John
Murray, sir P.
Needham, hon. F.
Nepean, right hon. sir E.
Newark, viscount
Nicholl, right hon. sir J.
O'Neil, hon. J. R. B.
Ord, sir J.
Owen, J.
Parker, P.
Palmerston, viscount
Patteson, J.
Peel, sir R.
Peel, Robert
Perceval, right hon. S.
Percy, hon. J.
Phipps, hon. E.
Pitt, W. M.
Pochin, C.
Pococke, G.
Pole, hon. W. W.
Popham, sir H.
Porcher, J. D.
Prendergast, M.
Pricer, sir C.
Price, Rd.
Pulteney, rt. hon. sir J.
Rainier, J. S.
Richardson, W.
Robinson, hon. F.
Rochfort, G. H.
Rose, right hon. G.
Rose, G. H.
Russell, M.
Ryder, right hon. R.
Salusbury, sir R. T.
Scott, C.
Scott, right hon. sir W.
Seymour, lord R.
Shaw, sir Jas.
Sheldon, R.
Simeon, J.
Simson, G.
Singleton, M.
Smith, H.
Smith, Jos.
Smith, T. A.
Sneyd, N.
Somerset, lord A. J. H.
Somerset, lord C. H.
Staniforth, J.
Stephen, J.
Stevens, Sam.
Steward, G. T.
Stewart, hon. C. W.
Stewart, sir Jas.
Sterling, sir W.
Strahan, A.
Strutt, J. H.
Stuart, W. J. H.
Sturges Bourne, W.
Sumner, G. H.
Sutton, C. M.
Swan, H.
Sykes, sir M. M.
Taylor, W.
Thellusson, G. W.
Thompson, sir T. B.
Thornton, Robt.
Thornton, S.
Thynne, lord G.
Thynne, lord J.
Townshend, hon. C. F. P.
Turner, J. F.
Vanderheyden, D.
Vaughan, hon. J.
Vaughan, sir R. W.
Villiers, rt. hon. J. C.
Vyse, R. W. H.
Wallace, right hon. T.
Ward, Rt.
Wedderburne, sir D.
Welby, Wm. earl
Wemyss, Wm.
Wharton, Rd.
Wilberforce, W.
Williams, R. J.
Willoughby, H.
Wilson, G.
Wood, sir M.
Wood, T.
Yorke, sir J. S.

PAIRED OFF.

Bradshaw, R. H.
Clinton, W. H.
Crawford, C.
Dupre, I.
Hamilton, H.
Henderson, A.
Hope, W. I.
Leslie, C. P.
Lowther, J.
Montgomery, sir J.
Sinclair, sir J.
Steward, R. T.
Vereker, C.

HOUSE OF COMMONS.

Tuesday, April 3.

[Captain Warwick Lake and Robert Jeffery.] Sir *Francis Burdett* rose to submit to the House the motion of which he had given notice relative to the conduct of captain Lake and the proceedings in his case. Upon the perusal of the papers relative to this subject, he found so many and so important considerations arising out of them, that he thought the best way would be to move for a committee to examine the whole of them, and to report what further proceeding, if any, ought to be had. In his opinion, a subject of more importance could not be brought under the consideration of parliament. The extraordinary circumstances of the case—the consideration that the aggrieved individual was an English seaman—one of a class of persons entitled to the peculiar protection of that House—all these circumstances concurred to point out the transaction as deserving of the most serious attention. He did not mean to enter upon the subject at any length at present. The facts themselves were stronger than any language in his power to use could represent them. It was not his wish to aggravate any thing in this extraordinary case by high colouring, to withdraw the attention from the plain justice of the case, or to excite any other feelings than would naturally arise from the bare contemplation of the facts. This was a salutary principle in our criminal jurisprudence to which he would willingly conform.

His attention had been first called to this transaction by a paragraph, which he observed in a newspaper, stating that a seaman had been left by the hon. captain Lake on the island of Sombrero. This statement was followed by no remark expressive of abhorrence of the act. It seemed to have been regarded as a light and trivial matter, like a common occurrence of the day, such as, "a stage coach was overturned in Piccadilly, but we are happy to say that none of the passengers were hurt." His first object, then, was to ascertain, whether the government knew any thing of the circumstance, conceiving, that the safety of the seaman, as well as the character of the government and of the country, were at stake; and he still thought, that, notwithstanding all that had been done, some further proceeding was necessary, and it was under that impression, that he was induced to submit to the consideration of the House the motion with which he meant to conclude.

The first paper amongst those laid before the House, was a letter from Mr. Morgan Thomas, who had been purser of his Majesty's sloop Demarara, and who stated that he had discoveries to make of frauds which had been committed in the West Indies. To his intention to make these discoveries, he ascribed his being prevented from coming home. He had, he said, "resigned his warrant into the hands of sir Alexander Cochrane, upon condition of being discharged from the service altogether. The admiral superseded him, but ordered that he should be detained, being impressed with the idea that it was possible he might have defrauded government." Even this was a circumstance deserving of inquiry; and he thought Mr. Thomas ought to have been sent for home, that he might give evidence as to the matters alleged in his letter. Mr. Thomas asserted that capt. Simpson, late of the Star, had made a false muster, and signed bills on government before they were due, thereby to enable a master to desert from his Majesty's service. This was another circumstance which called for investigation. Mr. Thomas also stated, that sir A. Cochrane being applied to for a court-martial on captain Simpson, refused to grant the wished for inquiry. ' This likewise was matter for investigation. The letter then went on to state the circumstance of the landing Jeffery, the seaman, on the island of Sombrero. Now, this letter stated names and facts. One of the facts had been proved, and there was every reason to give credit to the rest. Mr. Thomas had also stated, that he had requested to be sent home, in order to have the alleged suspicion of his having defrauded government, decided upon; but that he had been buoyed up with promises, though since his application, two vessels had been sent express for England, while he was detained as supernumerary for victuals only, and saw no hopes of a speedy alteration in his circumstances. All these things induced him (sir F.) to think, that the appointment of a Committee to examine the whole of the papers would be the best mode of proceeding.

Many curious circumstances had come out before the Court Martial, but upon the whole, he rather thought that the man must have perished upon the island. But whether he had or had not, the moral guilt of this, he believed unexampled act of oppression, was the same. One circumstance worthy of observation however, was, that the principal witnesses produced before the Court Martial, Spencer and Hobson, could hardly, upon their own evidence, be considered as less than accomplices in the act. What he had, in the first instance, intended to propose was, an Address to his Majesty, that he would be graciously pleased to order captain Lake to be prosecuted for murder, by the Attorney General. But, as a grand jury might have hesitated to find a bill, when no remains of the man were found, and while there was some doubt as to his death, he thought the House would hardly be disposed to direct a prosecution in a case where a bill would not be found. However, he would be relieved from this difficulty by the plan which he now proposed.

It appeared by the evidence that this man had taken, or, as the witnesses said, stolen, some spruce-beer, which act was set up as the justification of this atrocious proceeding. To him, however, it seemed, that there was some ground to believe that it sprung from another source, that there was a conspiracy to get rid of the man.

The hon. baronet then read several extracts from the master's (Spencer's evidence, and called the attention of the House particularly to the circumstance, that, when the vessel was near the island of Sombrero, and the master had replied to a question of captain Lake, that there were two thieves on board, without naming any of them, captain Lake had said, "send up Jeffery," and when the man came up, had told him, that he would not keep such a fellow on board his ship. It appeared from another part of Spencer's evidence, that he (Spencer) had often said to captain Lake, that it would be a very good thing if they could get him (Jeffery) out of the ship: that flogging would do him no good." From these circumstances, the hon. baronet deduced the suspicion that there was a conspiracy to get off

Jeffery in this way. But even if Jeffery had been guilty of a higher crime than stealing spruce-beer; if he had committed a much more serious robbery, or even murder, captain Lake was not justified in proceeding as he had done. It did not appear in evidence that the island was inhabited; on the contrary, the inference to be deduced from the whole of the evidence was, that it was not inhabited. There were no houses seen upon it, no traces which could be presumed to indicate the residence of human beings. Besides, in order clearly to shew that they themselves were impressed with the idea, that Jeffery must perish, the hon. baronet adverted to the circumstance, that they robbed the man of his clothes and money, and supplied him neither with food nor water, thinking that as the man must at last necessarily perish, these things would be of no use to him.

The next part of this horrible case, to which he felt it necessary to direct the attention of the House, was the curious and ineffectual but imperfect search which had been made two months afterwards for the body upon the island. And he could not but condemn in strong terms the indifference displayed on the occasion by sir A. Cochrane, who thought an admonition sufficient punishment in so aggravated and singular a proceeding, and who had sent back to search for the man the very persons, who had been concerned in landing him on a desolate island. The search too was so unsatisfactory that no individual who could exercise his reason, could look upon it as any palliation of the original offence in the exposure. He then adverted to the letter of sir A. Cochrane, who stated that it had been reported in an American paper that the man was alive. Was it not matter of serious surprize that one in sir A. Cochrane's high situation should have allowed the matter to rest with a bare admonition? He trusted the House would not allow this wanton act of cruelty and oppression to rest upon such an issue. He remarked, that the nearest inhabited island was at the distance of about 30 miles. Nothing, therefore, could be more shocking than to see the indifference with which this transaction had been regarded. But whatever might be the opinion of the gallant admiral, he was sure, that that House and the people of this country, would not be satisfied; their justice would require something more in such a case than a bare reprimand, they would not think it sufficient barely to inform a person who had violated every principle of justice and humanity, if this fact could be established against him, that he had done wrong.

But the testimony of those, who had been sent to search the island, was likewise attended with very singular circumstances. It would be seen by the evidence that the persons, employed to make this search, took with them the materials for enjoying the diversion of shooting the birds upon the island. Mr. Spencer had stated, that they found part of the trowsers of the unfortunate man while, they were occupied in the amusement of shooting. Nothing could appear more shocking to him, than this inclination to diversion in those who were sent upon one of the most solemn inquiries in which it was possible to be engaged; that at a moment when they were to ascertain the life or death of one human being, and perhaps, to decide upon the life or death of another, they should be so little impressed with the dreadful duty in which they were occupied, as to turn it into a party of pleasure, and divide their time between searching for the body and shooting at wild birds. It was also extremely important, that all the persons concerned in this search should have been called; or, if any selection was to be made, he was sure that, those who had concurred in the act of exposing this man, should have been the last objects of that selection. Was it not an extraordinary circumstance, then, that the others, who went in search of him, should not have been called? and that the only person, beside Mr. Spencer, who was called on the trial, should not have been examined, to the facts to which Mr. Spencer was examined, for the purpose of determining how far his evidence was true or false? Why was not a boat's crew landed to prosecute the search? The statement, that no traces of the man were found, rested on Spencer's evidence alone. It was remarkable too that not a single question had been put on this point to Hobson, the only other person with Spencer at the time of the search, that was examined before the Court Martial.

It was material also to bear in mind, that it appeared by the evidence of Spencer, that the distance of Anegada from Sombrero was seven or eight leagues; yet that was the island which admiral Cochrane had represented as so near and convenient. It appeared however, that captain Lake might have taken the man off the next day if he had been disposed; and though, it had been insinuated as an excuse, that captain Lake was insane or in liquor at the time; that excuse could hardly have served for his neglect next day. Jeffery, it seemed, had stolen some rum before, for which offence he had been flogged; the only other offence was that of taking the spruce beer, which must have been considered as the ground of this extraordinary, punishment by cruel exposure on a desolate island. One of the witnesses, on being questioned as to the grounds, upon which he concluded that the man was safe, had stated, that he had heard, from one who had heard from another, that an account appeared in one of the American papers, stating, that he was taken away by a vessel which touched at the island. So that it was the hearsay of a hearsay; and, after all, the only foundation of the hearsay was the statement of an American paper. This defence was absurd—but supposing that such a thing had been stated in the American papers, the proof was very questionable. It was well known that our own papers were apt to kill and to bring to life without much foundation; and that gentlemen had sometimes the happiness of finding their friends alive whom they had been led to consider as dead.

Spencer, too, had owned, that he had often told capt. Lake, that Jeffery was a man of very bad character, and ought to be got out of the ship. He did not think that Sombrero was a desolate island, nor did he think the captain thought so when they landed Jeffery. On going there again, however, they found neither houses, nor fresh water, nor any marks of habitation. The hon. bart. here adverted to Mr. J. Elvy's examination, who stated, that he saw Jeffery go into the boat; he believed his offence was broaching a cask of spruce-beer; a patch was affixed to his coat with the word "thief." He did not know at the time whether the island was inhabited or not, but considered it a cruel act. No ship or boat was in sight at the time when Jeffery was put on shore. Francisco Vala, one of the seamen who had landed Jeffery on the island, stated, that when the unfortunate man was landed, lieutenant Mould, and others of the boat's crew, climbed the rocks to see whether it was inhabited, and on their return said, that it was not.

The next evidence was that of James Hobson, who had said that he understood the man was landed for having stolen spruce-beer. He likewise owned that he had marked him down in the ship's books as having deserted; it was of his own accord he did so; and that about six weeks before the trial, capt. Lake had said, that he should have marked him as discharged at Sombrero. He thought at the time the island was inhabited by French fishermen. He had heard capt. Lake, at a subsequent period, after hearing that it was not inhabited, at Barbadoes declare, that he would rather have given 20,000*l.* than that it should have happened. With respect to the fate of Jeffery, he had heard from Mr. Windsor, who had heard from capt. Crofton, that he had seen an account of his escape in an American paper, and attempted in vain to procure a copy of it for captain Lake.

But to return to the evidence of Mr. Spencer, he again adverted to that part in which he confessed that he had often complained to capt. Lake of Jeffery, and observed, that it would be well to get him out of the ship; from this advice, coupled with the act of that unfortunate man's exposure, he inferred, that there was a conspiracy between Spencer and capt. Lake against him, and contended that it would have been more merciful, if they had thrown him into the sea. Thomas Jenkins, John Pearson, and Joseph Mott, concurred in saying, that the people seemed all to consider the island as uninhabited, and agreed, that it was an act of great cruelty and injustice. It was impossible, he (sir F. Burdett) contended, that any one would think the island was inhabited; and quoted, in support of his assertion, Brookes and other gazetteers, all of which described it as barren and desolate. It appeared in evidence, that the crew murmured at his treatment; every one who had given an opinion upon the act, had stigmatized it as cruel. It appeared also from the evidence of Jenkins, a serjeant of marines, that when the crew said that Jeffery would be starved to death, Spencer came up, and said, "You be d——d," which the witness understood to mean, "that the man would do very well;" which the hon. baronet observed was a curious construction of the words. But, if captain Lake was sincere when he said, that he would give 20,000*l.* rather than have exposed the man, he should, at least, have spent a part of it in forwarding inquiries in America respecting his fate. It had been said, that capt. Lake was not sober, but no state of mind could excuse an act of such flagrant cruelty. With respect to the defence made before the court-martial, it was as unsatisfactory as the evidence was conclusive against him. Capt. Lake seemed inclined enough to commiserate his own situation, notwithstanding what he had shewn of his commiseration in the case of the unfortunate Jeffery. He had complained of having never seen his accuser before; but that, so far from being an objection, was a presumption that no malice could exist in the mind of the accuser. It was, therefore, rather favourable than otherwise. He had denied the motives attributed to him, declaring that he only meant to put the man in jeopardy; he believed the island to have been inhabited at the time, and was certain that he had not placed him beyond the reach of human assistance; the place of his concealment, he owned, was not discovered, but he had no doubt that he had escaped. The word concealment, he (sir F. Burdett) thought a strange one. There was no reason for concealment on the part of the injured. It was strange, he contended, that such an act as capt. Lake had committed, should be punished only with admonition and dismissal from the service. All the world, he believed, must agree, that he was guilty; seeing that there was no evidence but such as might be said to have been chosen by the accused himself, seeing the strength of that evidence, and then comparing it with the vague supposition of the victim having escaped to America, he did not think it was possible to come to a contrary conclusion.—He felt himself in a painful situation; for he could not mention, with approbation, any of those concerned in any way with the matter, whether as perpetrators, as witnesses, or as investigators, of the fact. The court-martial had not adopted that strictness of scrutiny, which it was their duty to have pursued, they had not pushed home many important questions, essential to be answered. If the body of Jeffery had been found, the murder was plain; but, if not, the inference was not so easy, that the murder was not committed. There appeared, in his opinion, an unwillingness in the court-martial to press important questions, and a desire merely to take off the edge of public indignation. He then remarked how singular it was, if captain Lake had been apt to be insane or drunk, that he should have been entrusted with a higher command. Perhaps this might be excused by saying, that the admiralty at home was not acquainted with the transaction.

As to Hobson, who was also engaged on the shooting-party, the court had never asked him a single question, which went to corroborate or contradict the testimony of Spencer. Their examination seemed intended to palliate, rather than to expose, the conduct upon which they sat in judgment; and that court seemed as ready as the witnesses to catch at the report of a report, in order to imagine those consequences most favourable to the accused. But it was an act which neither they, nor any other power could justify; it was cruel, unjust, and abominable. If he was drunk, or mad, in the commission of it, still should it have excluded him for ever from the profession to which he belonged. At least it should have prevented his promotion to a more important command, in which the lives of others were exposed to his cruelty or his madness. But intoxication could not well be pleaded; he had had time to reflect upon his conduct, the sun had gone down upon his wrath, but it had risen with his wrath also. Whatever the offence of which the man so punished was guilty, the idea of 24 hours exposure on a desert island, without food, or water, or raiment—the horror that must attend on such a situation, even for such a space of time, was surely an adequate, if not an overstrained visitation. He hoped, for the safety of the mariner, and for the honour of the House, and of the country, they would not let this business end here without resorting to some further proceeding. From the great enormity of the act, and under the little probability of escape, though there might not be ground for a prosecution for murder, there was, upon the whole of the evidence, enough to call upon the House to appoint a Committee for the purpose of considering what farther should be done upon an occasion so extraordinary and aggravated. The hon. bart. concluded with moving for the appointment of a Committee, "To take into consideration the papers relating to the conduct and trial of the hon. capt. Lake, and to report thereon to the House."

The *Chancellor of the Exchequer* did not wish in any manner to repress the feelings which the statement of the hon. bart., and the case necessarily excited. It was certainly a case deserving of very serious attention; but however he might be disposed to agree with many of the propositions of the hon. bart., he could not assume with him that there was evidence of a murder being committed; and he therefore did not see what mode of trial the Committee which was proposed could recommend to be had against capt. Lake. He was very ready to admit, that he conceived it was no sort of excuse for capt. Lake to alledge, that he did not know that this island of Sombrero was uninhabited. It appeared to him that there was but little shade of difference between the guilt of sending a man on an island, that he knew to be uninhabited, and sending him to one, that he had no reason to suppose was inhabited, a circumstance which it was his duty to have ascertained. If there was any proof that the man was dead, he did not conceive that the sentence of the court-martial could prevent his being now tried for murder. As the case however now stood, there was no evidence at all against capt. Lake, except the evidence bearing upon the point for which he was tried by a court-martial, and punished. The charge for which he had been already tried by the court martial was similar to a most aggravated misdemeanor at common law, namely, an assault with intent to murder. On this point capt. Lake had been already tried, and had received the sentence of the court martial; and it therefore appeared to him that consistently with any principles of justice, he could not be tried a second time for the same offence. It was not in the power of the court martial to pronounce a severer sentence than it did; but whether a court of law would or would not have inflicted a severer punishment was doubtful. It was, however, no slight punishment to a man, who had arrived to so high a rank in the navy, to be broke by a court martial. If it could not be in the power of the Committee to direct any further proceedings, he saw no practical good that could result from the appointment of the Committee. The hon. bart. seemed to think that the man had lost his life, but it appeared to him that there was no manner of evidence before the House conclusive as to this fact. The idea that the man was safe was grounded on other evidence, besides the paragraph in the American paper. If the House was to order an indictment for murder, capt. Lake could not be convicted, unless there was proof that the man was dead; and in a case where there was no probability of a conviction, there was no use in indicting. Instead of doing any good, it would defeat the very object of the motion, to order a trial without sufficient evidence. This would be the way to secure an acquittal, in which case, supposing the carcase of this man to be afterwards found, or his death to be proved in any other way, capt. Lake could never be tried again. He therefore thought, that it would not only do no good, but that it might be productive of injury, to order a trial for murder on the evidence now before the House. He was of opinion that the House should, therefore, not allow itself on the present occasion to be hurried away by feelings, which were very naturally excited on the bare statement of the case. He thought it would be better to wait for some time, to see whether, by additional enquiries, any further information could be obtained; and then, if any such evidence should be obtained as would prove the man to have died in consequence of his being left on the island, a trial might be ordered. He really believed that, when the hon. bart. was first struck with the statement of the case, he had supposed, that there had been no trial or inquiry into it at all. He also was disposed to believe, that, although the hon. bart. had then thought the evidence sufficient to amount to a proof of murder, he did not think so at present. If the man was, however, still living, a further punishment might be inflicted on capt. Lake, for the sailor would have a civil action for damages, in which case a jury would have to declare what damages ought to be given in a case of such extreme cruelty and atrocity. As to a passage in Mr. Thomas's letter respecting frauds in the West Indies, he could assure the hon. bart. that this subject was now under investigation by order of the admiralty. On the whole therefore, as he did not see what good could be done by the appointment of a Committee, or what form of trial they could order if appointed, he must, if he were obliged to come to a vote, give his vote against the Committee. He however wished, that the hon. bart. would consent to withdraw his motion for the present; and he also wished, most particularly, that it should not be supposed that the House thought lightly of the case that had been stated to them, or that they dissented from the motion, for any other reason, except that there was not evidence before them sufficient to induce them to order a prosecution for murder.

Mr. *Whitbread* said, that the right hon.

gent. appeared to have forgotten, that the motion of the hon. baronet went further than the mere case of captain Lake, and that a part of it was, that those papers should be laid before the Committee to report upon them. He should wish very much to know whether the admiralty had taken any step with respect to sir Alexander Cochrane, whose case appeared to him to be fully as important as that of captain Lake. The hon. baronet had stated the case as respecting captain Lake with the greatest temperance and moderation, and had not sought in any manner to aggravate it. This simple statement of the case had made a considerable impression on the House; and, if they thought the cruelty of captain Lake to be so great in sending a man on shore on an island, which he did not know whether it was inhabited or not, what would the House think of the conduct of sir A. Cochrane, who, knowing that the island was uninhabited, still conceived, that a simple admonition to captain Lake was punishment enough for such extreme cruelty? The responsibility he must contend extended throughout the whole line of the service; and consequently the admiral, who conceived that such a crime ought to pass unpunished, was himself deeply accountable. The admiral appeared to him to have entirely deserted his duty, when, knowing this transaction, he allowed captain Lake to be promoted to a ship of a higher rank than he had commanded before. He, therefore, thought that the admiralty would not do its duty unless they were to order some proceedings against sir A. Cochrane. The right hon. gent. (the Chancellor of the Exchequer) had spoken with every proper feeling upon the present question, but he still doubted much whether a man tried once before a court-martial, could be tried again at law for the same offence.

The sentence was certainly very lenient; and he must say, that there were often acquittals and sentences, the very slightness of which was shocking to humanity. The question was now, however, whether captain Lake could be still tried upon the evidence before the House for the crime of murder. If he were upon a grand jury, and were to determine upon his oath on the evidence now before the House to support an indictment of murder, he must upon his oath say, " no true bill." If he were on a petty jury, and such evidence was laid before him, he must say " not guilty." He did not think it had been proved that capt. Lake knew the island to be uninhabited: for if he had, there would be no use in marking the word " thief" on the back of the man. It appeared, however, to him, that the search made subsequently upon the island was not satisfactory. It was extraordinary that on the first search nothing was found; and it was on the second, when they brought guns with them to shoot birds, that they did find something. They found the handle of a tomahawk, or hatchet, and part of a pair of trowsers, such as were given out for the navy. Others of the witnesses had said, that it was not a part of a hatchet that ever belonged to the ship that was found nor even of trowsers used in the British navy. If so, it would appear that the island had some other inhabitant. There was no direct evidence, however, of its having been at any time inhabited: and the proof of its being inhabited was merely a report, which stated that the French sometimes came there when they were employed in the turtle fishery. On this evidence he thought no prosecution could be ordered; but still he thought, that other witnesses ought to be examined, and particularly lieut. Maule and Mr. Winsor. —The right hon. gent. appeared to consider that the conduct of sir A. Cochrane was extenuated by his believing that the man had got to America. He ought not however to have been satisfied with this account, which was only a hearsay of a hearsay. It appeared to him, that even now it was the duty of the Admiralty to order a more strict and diligent search of the island to be made for the body of this sailor. It had been stated by the hon. baronet, and deserved to be stated over and over again, that this search was in the first instance ordered to be made by captain Lake himself, and those officers who had assisted in carrying into execution his most inhuman orders. The right hon. gent. (the Chancellor of the Exchequer) had stated it as a dreadful case, supposing a trial was ordered, and an acquittal obtained on the imperfect evidence which was at present possessed, and afterwards proofs should appear of the murder having been completed, and the man being dead. He should put another case, and ask, how much more shocking would it be, if, upon such evidence, captain Lake should be convicted, and that it should afterwards turn out that the man, supposed to be murdered, was still alive!

He thought it better according to the humane maxim of British law, that ten guilty should escape, than one innocent man suffer. The House should, however, steer clear of the probability of either of those cases occurring. If, upon more accurate search, the remains of this man should be found on the island of Sombrero, then as a grand juror he would find a true bill. He saw no reason, why the House should not address the King to direct the officers on those stations to make the most accurate search for his remains, and also to use all means to ascertain whether he be alive or not. This inquiry would be most interesting to the family of captain Lake, to the country, and to the cause of humanity. If he should be found to be alive, the House would be relieved from that horror, which they must now feel whenever the subject was mentioned. He would beg leave to suggest to the hon. baronet whether an address to his Majesty would not, for the reasons he had stated, be preferable to a Committee of the House, who could not at present recommend any other trial. He believed it would be agreed, on all sides of the House, that a case of more horrible cruelty could hardly be conceived. He had heard, that sailors often found the approach of night dreadful, when their ship was sailing alone through unknown seas, but what must have been the feelings of this unfortunate man, when, on the approach of night, he found himself without provisions or without cloaths, alone and on a desolate island? What must have been his emotions, when he saw the boat, which had put him upon the shore, push back again, without him, to the ship, and when he saw the ship sailing away, and leaving him a prey to whatever terrors imagination could conceive most horrible? It required no colouring to make such a case as this most impressive. Whoever could conceive what must have been the feelings of the sailor, who was so deserted and exposed, must justly appreciate the extent of that cruelty, in which those savage orders originated.

Mr. *Stephen* declared, that until he had that night taken his place in the House, he was wholly ignorant of the particular merits of this transaction. The papers had been upon his table, but from the multiplicity of professional avocations he was unable to peruse them. It was therefore to be understood that he did not give any decided opinion upon the evidence produced upon the court martial of the officers whose conduct was then under their consideration. He had only to state to the House a fact which it could not be supposed to be so well acquainted with, as he was from peculiar circumstances; he meant the geographical situation of the island of Sombrero. He had sailed close to it, and from the glance he had of it, he could take upon himself to assure the House that it was uninhabited, and that it was impossible that any individual, cast upon it, could there find the means of subsistence.—With the knowledge that he had of its desolate situation, he declared, that he could have no hesitation, were he a grand juror, in finding a true bill against the person who would wantonly devote a fellow being to such a fate, as must almost eventually follow, from being thrown upon such desolation; and he would go further, that, if some strong evidence was not adduced in the defence, he would not hesitate, were he a petty juror upon the trial of such an offender, to bring in a verdict of murder than if a man were to be let down into an unfrequented coal pit and left there to perish. He could assimilate such an offence to nothing more calculated to afford a just view of the case than to throw unobserved an individual into one of the deepest coal-pits in Yorkshire. Sombrero was a bleak, sandy island, not perhaps more than twice or thrice a year trodden upon by human feet. He had heard that it had no fresh water, and he thought it was impossible that it could have any. He was therefore sufficiently convinced in his own mind that the man must have perished; but if any proposition was made which could lead to a further investigation of this case, it should have his decided support.

Lord *Folkestone* agreed with the suggestion of Mr. Whitbread, for an address to his Majesty, to order a more accurate search. - He was glad to find, that the Admiralty had done its duty in ordering the court-martial; but with respect to sir A. Cochrane, he thought that his conduct at least demanded an enquiry. There was another circumstance which should also be attended to. There must be an arrear of wages due to this man, if he was living, (as he did not desert the ship), and in that case care should be taken that he should have it: if not, it should be given to his relatives.

Mr. *Lyttleton* considered, that, although it was a great aggravation of the offence to turn a sailor on an island which was uninhabited, yet he conceived it would be an enormous offence to have turned a sailor out on a strange island, even if it had been inhabited. He thought that some bill might be brought in to make such an offence in future a capital offence cognizable by a naval court martial.

Mr. *C. Adams* spoke in favour of the address suggested.

Mr. *Croker* said, lieut. Maule could not be examined, as he had gone to the East Indies, and the Admiralty did not think it advisable to delay the court martial till his return, which could not be expected in less than a year. Mr. Winsor had not come to the ship until a year after this transaction.

Mr. *Sheridan* said, he meant not to excuse or to endeavour to palliate the conduct of captain Lake; yet he was not afraid to say a few words by way of extenuation out of regard to an afflicted and respectable family, who had been deeply wounded by what had already taken place on the subject. He thought the House ought to ask themselves the question, Do we in our consciences believe that captain Lake knew the island was uninhabited? As for his own part, he verily believed he did not, and he was astonished at the declaration of an hon. and learned gent. (Mr. Stephen) for whose sentiments he had generally felt a respect, and particularly for some which he had lately delivered. He had assured the House, that he had sailed very near to the island, and from the mere look of it, if he were on a grand jury, he would find a bill, and, if on a petty jury, would give a verdict of guilty against captain Lake, on an indictment for murder. Such a doctrine was almost as bad as any thing captain Lake had done, and was what he could not have supposed would have falled from that learned gentleman. The House ought, however, seriously to consider whether captain Lake knew it to be desolate. Did he think him capable of such an action, he should shrink with horror from saying a word in his behalf; but he had some information in his hand which had been collected by the friends of captain Lake, which induced him to believe that he did not know it was uninhabited. It appeared by this, that many of the officers of the ship did not think it uninhabited; if they had, he verily believed neither they nor the seamen would have obeyed captain Lake's orders to leave him there. He was glad to hear the right hon. the Chancellor of the Exchequer say, "this charge should not be lightly passed over;" it certainly ought not to be passed over lightly, and every means should be used to ascertain the truth as to the fact of the man's having been taken to America. He knew, that every possible exertion had been made, and was making, by the afflicted and respectable family of captain Lake, to ascertain whether he had been taken off by an American vessel, and if he was still living; and he doubted not but intelligence would by one means or other, be, at no distant period, obtained to clear up these facts. He did not mean to utter a word, that might convey the most distant idea, that he meant to justify or excuse the leaving a British seaman on any island: but though he had the highest respect for the officers of the British navy, he believed it was not without a precedent, that where there had been a refractory subject on board some of his Majesty's ships, there have been captains who have put such a man on an island that was inhabited. He was, however, of opinion that further inquiry should be made into the business, and thought the report of the committee would be the best way; he thought they should at the same time examine into and report on the conduct of admiral Cochrane, who certainly could never have imagined capt. Lake capable of setting a man on shore, and leaving him in a desolate island. This must have been the admiral's opinion, or he would have brought captain Lake to an immediate court martial in the West Indies. He thought the investigation by a Committee would be more satisfactory to an afflicted and respectable family, to the officers and ship's crew, more for the credit of captain Lake himself, more for the credit and character of the House of Commons, and more satisfactory to the public at large than any other course of proceeding, and should, therefore, support the motion of the worthy baronet.

Admiral *Harvey* said he could not but reprobate the conduct of captain Lake. At the same time justice and humanity required him to state to the House, that the island of Sombrero was a rock, and that water must lodge and be found in many of the cavities; also that the eggs of birds were to be had in such abundance, that no man need to perish for want of food and water.

Captain *Beresford* disclaimed all idea of excusing the conduct of capt. Lake, whom he did not even know; but he thought it his duty to state to the House that he had been stationed off the island of Sombrero three years, and had been near it for seven years, and he thought it hardly possible for a man to remain there 24 hours. If he waved his hat every morning, he must be observed. He did not know whether the island was actually inhabited, but it was daily resorted to by fishermen.

Sir *J. Sebright* had heard a report, to which he did not give credit, but thought it fair to state to the House, in order to afford an opportunity for its being distinctly contradicted. He had heard that, after the report of admiral Cochrane in this case had been received at the admiralty, captain Lake had been appointed to a ship.

Sir *R. Bickerton* gave this a positive denial. In answer to what had been said respecting the man's property, it was impossible, from the rules of the navy, that any man could be cheated of what belonged to him. He also defended admiral Cochrane's conduct, which proceeded on the supposition that Jeffery had got safe to America, as he was informed.

Mr. *R. Ward* spoke highly in praise of admiral Cochrane, who was one of the best officers in the British service. The admiralty at home were satisfied with his conduct, after the explanation they had received; and, he thought, there was no occasion for further inquiry into it.

The *Attorney-General,* when this question was originally agitated, thought further inquiry necessary. He could not agree with the learned gent. (Mr. Stephen,) that there would be sufficient grounds of a verdict of murder against captain Lake. On the contrary, from the statement of the gallant officer, (captain Beresford,) the aggravation of his offence was much diminished. He could not think captain Lake even liable to be tried for murder, as there was neither proof of the design on his part, nor of the murder itself actually being the consequence, both of which were necessary in such cases. He then entered into a defence of admiral Cochrane's conduct, and could see no ground for inquiry into it.

Mr. *Curwen* could not agree with the hon. and learned gent. who had just sat down. He professed the greatest respect for the opinions of the two hon. officers who had so lately spoken, as to the nature and situation of the island; but if he was a juryman, he should on the evidence he had read, as given at the court-martial, be apt to find captain Lake guilty of murder. It was no excuse that he thought the island inhabited; he ought to have known it.

Lord *Cochrane* argued, that sir A. Cochrane, in not bringing captain Lake to a court-martial in the West Indies, had been guided by a too great leniency of temper, which was his known character: but that he had sent him home to be tried, where he was sure justice would be done. He had no doubt but when the matter came to be inquired into by a committee, the character of sir A. Cochrane would appear in the fairest light, and the whole world would be convinced by the report that he had conducted himself as became an admiral of the British navy.

Mr. *Canning* said he always had understood that when a man was tried for an offence by a court competent to try him, and had received the sentence of that court, the business was done with; and there was no right to inquire further; but in this instance the whole matter had not been before the court, and they were unacquainted with the unascertained fact of the life or death of the individual. He preferred an Address to a Committee, as he could not see what the latter could do but come to that conclusion at last, which the House might as well do at first of their own accord. After what they had heard, no man could leave the House with his mind perfectly made up, either as to the risk run by Jeffery, or the knowledge captain Lake possessed relative to the situation of the island. Among the variety of conjectures on these points, the proper course appeared to him to be to ascertain, as early as possible, the true state of the fact to which these probabilities were directed. If Jeffery was saved, then he conceived no further proceeding was necessary; and it was no small matter, that their discussions evinced the opinion of the House of Commons, on the moral profligacy of the act. If, on the other hand, Jeffery was dead, then it would be to be lamented, if no further steps were taken for the sake of justice. On these grounds he recommended the Address, and hoped there would be no division occasioned by pressing the original motion.

Sir *F. Burdett* was ready to adopt any mode that would best promote the object they all had in view; but, before sitting down, he wished to offer a few observations on some points which had fallen from hon. gentlemen on this occasion. In the opinion of the ship's crew, Jeffery was left to starve and die on the island, and they did not, as an hon. gentleman supposed, think that he was merely put on shore where there was no risk. With regard to the man's property, it was certainly illegally taken by captain Lake, and if they could not prosecute him for the murder, he hoped they would punish him in another way, by bringing an action for the clothes, as was often done in cases of child-stealing, where the greater offence escaped punishment.—It was a most atrocious act to leave a man at all in a foreign country, and the honour of the king was implicated in protecting the lives of his subjects. But to leave a British subject in a desert was still more heinous, and he trusted the perpetrator of the crime would be punished, somehow or other, to a greater degree than the sentence of the court-martial. Much had been said, and many doubts thrown out, as to the possibility of trying a man by the law of the land, after having been tried by martial law. He was of opinion, that a man might be tried twice in this way, otherwise he might, for an offence against the law, be rescued from the law by a military court. He concluded by withdrawing his motion.

Mr. *Whitbread* said, that in consequence of what he had mentioned in his first speech relative to an Address, he had drawn up one, which, if the hon. baronet had agreed to withdraw his motion, he would beg leave to read to the House, which he did, to the following effect:—"That an humble Address be presented to his Majesty, that he be graciously pleased to give immediate directions that a minute and accurate search be made forthwith on the island of Sombrero, for the purpose of ascertaining if any traces can be found of Robert Jeffery, a seaman of his Majesty's ship Recruit, left on the said island by the hon. Warwick Lake, late commander of the said ship, contrary to every principle of duty, and in violation of every dictate of humanity: and that two commissioners be appointed to go to the said island and make the said search."

The motion having been handed to the Chair,

Mr. *Whitbread* observed, that an hon. and learned gent. had described the island of Sombrero as a low sandy island, in which there was neither food nor water; and since he sat down, two honourable officers, well acquainted with it, had mentioned it as a rock, in which there were many cavities that were filled with water when the rain fell; and that there were also many birds' eggs.

Mr. *Stephen* repeated that he had seen the island, and that it appeared to him to be low and sandy. He had not made the unqualified statement attributed to him by the hon. gent. He had merely spoken of the weight of strong presumptions amounting to irresistible evidence in certain extraordinary cases. He put the case of a sailor being let down from his ship when at sea, and abandoned to the chance of a hen-coop; that hen-coop might float till a passing ship took up the man; but what was the presumption as to the motive of the act, and as to its probable result. He had been in the neighbourhood of the island of Sombrero for 11 years, and he never had heard of Sombrero being an inhabited island. He animadverted upon the unwarrantable harshness with which the hon. gent. had commented upon him, as if he would insinuate that his evidence was false, which he could attribute only to the hon. gent.'s disposition to tear him and every one who differed from him in pieces, and was proceeding in terms of warmth, when the Speaker interposed—and

Mr. *Whitbread* said, he did not mean to question his veracity; but as the hon. gent. had taken up the matter so warmly, and accused him of tearing him to pieces, he could only say, that if there was any tearing to pieces in the case, the hon. and learned gent. had completely committed the action himself, by the vehemence with which he had made his attack.

Sir *C. Hamilton* fully corroborated what had fallen from Mr. Stephen. The island had the appearance stated by him when seen from a distance, thought it was 40 feet above the level of the water in the interior, and completely answered the description of the hon. officers, who were more nearly acquainted with its real situation. There were plenty of shell-fish, birds, and eggs, on which a man might live a long time. He did not say this to exculpate captain Lake, of whose conduct every officer in the service must be ashamed.

The *Chancellor of the Exchequer* did not suppose that two commissioners were necessary to be sent over to the West Indies, to walk over an island a mile and a half in circumference, and only half a mile long; he therefore objected to that part of the address, and as he thought the Admiralty sufficient for the inquiry should move an Amendment to that effect.

Sir *J. Sinclair* said, he had good reason to suppose that the man had been taken off the island by an American vessel, and is now alive in New York. He thought it better to adopt the amendment of the right hon. gent. rather than the motion of the hon. gentleman.

Mr. *W. Pole* thought further inquiry necessary: with respect to the assertion of the right hon. gent. (Mr. Sheridan), that it was no uncommon thing for captains to send men on shore and leave them: he must express his reprobation of such a practice. The navy was not in such a state to require any such expedients, and such assertions going abroad might prove injurious to the service. Mr. P. suggested that if instructions were sent to the American minister to make the inquiry, the object would be obtained without the Address.

Mr. *Sheridan,* in explanation, declared that he had stated it was not unusual to land men on inhabited islands, but he had never said men had been left on uninhabited islands.

Mr. *S. Bourne* suggested that it would be as well to leave the discretion in his Majesty's councils, to make such inquiries as they thought necessary after the man, both at the island and in America.

Mr. *Whitbread,* with every respect to the opinion of the hon. gent. who moved the amendment, thought that solemnity was not due in respect to the extent of the island, but to the enormity of the offence. If any officers were going to the West Indies, they might be appointed.

Mr. Secretary *Ryder* said, that if Mr. Whitbread would not agree to strike out the latter part moved as an Amendment by his right hon. friend, he would divide the House.

Mr. *Whitbread* accordingly agreed, and the words relative to the commissioners were struck out, after which the motion passed *nem. con.*

Mr. *Whitbread* then moved a second Address to his Majesty, "That he will please to give directions that a search be made in all his Majesty's settlements abroad, and in his Majesty's fleets, and also in all foreign countries, where his Majesty has influence, to ascertain whether the said Robert Jeffery be still alive." Which being read from the Chair,

Mr. *Whitbread* then said, that, as it must be satisfactory to admiral Cochrane to have it shewn to that House and the world, that his conduct on this occasion was free from blame, he felt it necessary to move, "That an humble Address be presented to his Majesty, that he would be graciously pleased to direct that an inquiry be instituted into the conduct of vice admiral sir Alexander Cochrane, touching the representation made to him respecting the landing from the Recruit, captain Lake, and leaving behind on the island of Sombrero in the West Indies, a man named Robert Jeffery, in the month of December, 1807."

The *Chancellor of the Exchequer* thought that if the hon. gent. was to have sir A. Cochrane brought to a court martial, it would be to carry the feelings of the House to an extravagant length, and therefore hoped that the hon. member would withdraw his motion.

Admiral *Harvey* expressed a similar hope, in consequence of the inconvenience to the public service that would arise from withdrawing the commanders of vessels from their ships, and the commander in chief from his station, in order to attend a court-martial.

Mr. *R. Ward* stated that the Admiralty had received the explanation of his conduct from the gallant admiral; and the explanation appeared satisfactory, not so far as to call for their approbation of his conduct, but certainly to induce them to abstain from any proceeding with a view to censure it.

Lord *Cochrane* stated, that captain Lake had been sent home on the half-pay, in consequence of his conduct, though the lords of the Admiralty had afterwards thought proper to promote him in the West Indies.

Sir *C. Pole* observed, that sir A. Cochrane had done all but bring captain Lake to a court martial, and that he must, and ought to have stated to the Admiralty why he sent that officer home on the half-pay.

Mr. *W. Pole,* as having been secretary to the Admiralty at the time, felt it necessary for him to state, that the fact asserted by the noble lord was perfectly new to him, and to the Admiralty. Captain Lake had returned to this country ill, and on his recovery had been sent out again to the West Indies. A commission had also been sent out to admiral sir A. Cochrane, to make that officer post on the first vacancy: But the Admiralty then knew nothing of the transaction which was the subject of the discussion.

Mr. *Whitbread* stated that he should withdraw his motion on an understanding that the lords of the Admiralty would call for further explanation of his conduct from sir A. Cochrane, reserving to himself at the same time the right of bringing forward his motion on a future day, if it should appear that what may be done was not satisfactory. The motion was withdrawn, and the hon. gent. moved, "That there be laid before the House copies or extracts of all communications, together with the dates of the letters which passed between the lords commissioners of the Admiralty, or the first lord of the Admiralty, and vice-admiral sir A. Cochrane, touching the landing from the Recruit, captain Lake, a sailor named Robert Jeffery, on the island of Sombrero, in the West Indies." Agreed to.

HOUSE OF COMMONS.

Wednesday, April 4.

[Assessed Taxes.] The *Chancellor of the Exchequer,* adverting to a notice before the House from an hon. member (Mr. C. Dundas), for a motion relative to the collection of the Assessed Taxes: expressed a wish that that hon. member would have the goodness to postpone the motion until after the recess, as the subject was under the serious consideration of the Treasury, in consequence of complaints from various quarters. He assured the hon. member that every suggestion should be attended to that could tend to promote the object desired, and that with that view he proposed to recommend a measure of regulation which, he hoped, would serve to obviate the evils complained of.

Mr. *C. Dundas,* stating that he had no other motive in bringing forward this business than a desire to relieve the people from oppression, expressed his readiness to consign it to those who had more ability to administer that relief. He was, indeed, happy that the right hon. gent. who was so capable of giving effect to any arrangement upon this subject, had manifested an intention to follow it up; and he assured him, that any materials he had collected should be promptly at his devotion. There were points which he begged particularly to recommend to the right hon. gent.'s consideration; one with regard to the interrogation of men upon oath to criminate themselves, peculiarly demanded revision; and there was another point which appeared to call for inquiry. Upon the latter point, a circumstance had come to his knowledge, of which, probably, the right hon. gent. had not heard. Some Commissioners of the land tax, from the county of Hereford, were lately obliged to answer a suit in the Court of Exchequer, in consequence of the performance of their duty. In this suit they incurred an expence of 280*l.*; and although the verdict was in their favour, they declined to avail themselves of it. This forbearance was, no doubt, honourable to the individuals concerned; but he submitted to the House whether such a case was not calculated to depress the exertions of gentlemen who gave their services gratuitously in such Commissions? and whether it was not likely to indispose other gentlemen, not so public spirited and disinterested, from deciding according to their judgment, lest they should be exposed to expence and trouble? It was obvious that the recurrence of such a case ought to be provided against.

Mr. *Shaw Lefevre* urgently pressed upon the attention of ministers the conjectural surcharges to which people were subject from surveyors, who, in fact, often knew nothing of the persons whom they surcharged, but proceeded upon a speculation, productive in most cases of extreme injustice and vexation, particularly in the country.

The Chancellor of the Exchequer's request was complied with, and the notice was accordingly withdrawn.

[Mr. Hunt.] Mr. *Calcraft* observing, upon two notices which he had given for Friday, one relative to the neglect of the Ordnance Board respecting Mr. Hunt's security, and another with regard to Mr. Hunt himself; said that he understood it would not be quite regular to bring forward both motions upon the same day. His intention as to Mr. Hunt was, after a discussion of the papers with respect to his misconduct, to move his expulsion. Of a motion so serious it was obviously proper to give the subject of it previous notice; and he had sought him out for that purpose. Bnt that person was not to be found. He would, however, give notice of his motion respecting him, for tomorrow se'nnight, which he understood to be a fair interval upon such an occasion.—After a few words from the Speaker, the hon. gent. gave notice of a motion upon to-morrow se'nnight on the subject of the 12th Report of the military commission; and it was ordered, that Mr. Hunt do attend in his place on that discussion.

HOUSE OF LORDS.

Thursday, April 5.

[Spanish Campaign.] Lord *Holland* perceiving the noble secretary in his place, desired to be informed, whether a certain intercepted letter from the French general Victor, to Joseph Buonaparté, dated the 24th of July, and which must have been received by the British minister in Seville, the 3d or 4th of August, was in the possession of the noble secretary? And if so, whether, without injury to the public service, it might not be produced for the information of their lordships?

Marquis *Wellesley* believed that there was a letter, such as the noble earl alluded to, in his possession, and that, apprehending no public inconvenience from the production of it, he should lay it on their lordships' table.

The Marquis of *Lansdowne* perceiving, among the mass of Spanish Papers presented to their lordships, the copy of only one letter from Mr. Secretary Canning to the British minister in Spain, during four months, namely, from the 12th of April to the middle of August 1809, a period during which some of the most important transactions were going forward in the peninsula, wished to learn whether that was indeed the only letter transmitted by his Majesty's government, for the direction of their minister in Spain, during a period, and at a crisis so momentous?

Marquis *Wellesley* was not aware of any other letter of instructions, relative to the object of the papers now before the House, being sent to Mr. Frere. He did not speak with certainty; but after a perusal of the official papers, with all that attention which the seriousness of their object required, the impression on his mind at present was, that no other letter of importance had been sent to Mr. Frere.

Earl *Grey* expressed his surprise at hearing it said by the noble secretary, that four months had elapsed, during which the most weighty and momentous events were passing in Spain—events which deeply engaged the interests, the feelings, the honour, the welfare, and perhaps, ultimately, the political existence of this country, without any other communication from his Majesty's government at home to their agent in Spain, except the solitary document alluded to.

The Earl of *Liverpool* rose to correct a misconception which the noble earl appeared to have adopted. That noble earl and the House would recollect, that the papers called for by the noble marquis opposite (Lansdowne,) and in consequence submitted to their lordships' notice, related solely and expressly to the campaign in the peninsula, and did not refer to documents or instructions on any other subject.

Earl *Grey* could not admit, nor did he suppose, that any noble lord, who attended to the motion of his noble friend when he called for the papers relative to Spain, could imagine that he confined his view to the mere military operations in that country. It was obvious that those very military operations themselves, must often depend on events and considerations of a political nature, where it was important to ascertain the temper, the spirit, and the motive by which the persons with whom we were in alliance were actuated in the prosecution of a contest so momentous as that, in which we were mutually engaged. He therefore trusted, that, as the noble lord had on a former night expressed a readiness, and even an earnest wish to disclose every document of his own, he would now, with the same frankness, consent to produce those of his predecessor.

Marquis *Wellesley* was willing to afford every facility towards their lordships' information, and said, that he should again carefully examine all the official papers relative to the present question, and lay upon their lordships' table all such as should appear fit or useful to be produced.

The Marquis of *Lansdowne* then moved, "That the House be summoned to take those papers into consideration, next Tuesday se'nnight."

[Expedition to the Scheldt.]—The Earl of *Darnley* wished shortly to call their lordships' attention to the subject of the late disastrous Expedition to the Scheldt, which had been lately discussed in the other House of Parliament. After the decision which that House had come to upon this subject, he entertained no very strong hopes, that an opposite conclusion was likely to be formed in this. Confident, however, he was, that, excepting the House of Commons, there was no public body, nor any other set of men, in these kingdoms, who entertained the opinion which had been expressed by that House, he thought, that it was a subject which their lordships could not pass over in silence; and, little as he was warranted to hope that a majority of their lordships would coincide with him on the occasion, still he could not rest satisfied in his conscience without calling their attention to the question, and giving those noble lords, who thought with him, an opportunity of expressing their sentiments. He was not prepared to name any particular day for bringing forward any motion upon the subject, but if no other noble lord should think fit to take it up, he should himself do it on an early day.

[Revenue Criminal Laws.] Lord *Grenville* called the attention of the House to a subject which he conceived highly important to the jurisprudence of the country. A bill had been sent up from the other House of Parliament, for consolidating into one act all the laws against smuggling, and other frauds upon the revenue. This bill also included and confirmed all the capital punishments against such crimes. He had opposed the bill in that shape, as unfit to be adopted, without the opportunity of fully considering and discussing the nature of the crimes thus subjected to the punishment of death; and, therefore, he had moved that a separate bill should be prepared by the judges, including all the crimes against which former acts denounced the punishment of death. That bill was now on the table. It had been read the first time, and described no less than seventy-five crimes against revenue law, subject to the punishment of death. He thought it wholly unfit to be enacted, and inconsistent with the merciful spirit of British legislation. Where high duties upon articles of consumption were imposed, strong temptation was given for evading those duties, and capital punishments should not be inflicted where not absolutely and indispensably necessary to the due collection of the revenue. What he should, therefore, wish to do, was to move for the present, that the bill be read a second time; and then referred to a select committee, who should be instructed to inquire in what cases it was actually necessary to enact capital punishment, in order to the due collection of the revenue, and that the Committee should avail themselves of all the information to be derived from the solicitor of the revenue, and such other persons as were most conversant in carrying the revenue laws into effect; and to make such amendments in the bill as they should think necessary.

The Earl of *Liverpool* acquiesced in the suggestion of the noble lord, and thought a select committee the preferable mode of proceeding, as also that the law lords, members of that House, should be of the Committee.

Lord *Grenville* then, after the second reading, moved for the commitment of the bill, which passed accordingly. He then moved, "That it should be committed to a select committee, empowered to alter, or amend, as they should think proper, that part of the bill which related to capital offences against the revenue."

HOUSE OF COMMONS.

Thursday, April 5.

[Mr. Lethbridge's Complaint against Sir Francis Burdett—Adjourned Debate.] Mr. *Lethbridge* moved, "That the order of the day, for resuming the adjourned debate on the motion made upon the 27th day of March last, That a Letter, signed 'Francis Burdett,' and a further part of a paper, intituled, 'Argument,' in Cobbett's Weekly Register of March 24, 1810, is a libellous and scandalous paper, reflecting on the just rights and privileges of this House, be now read:" And the same being read,

Lord *Ossulston* rose, and in a low tone of voice proceeded to vindicate the doctrine laid down by the hon. baronet respecting the right of commitment, as claimed and exercised by the House. It was not his intention to discuss the first part of the publication of the hon. baronet, as that on which the greatest stress was laid was entitled the Argument. He was of opinion, notwithstanding all that had been contended to the contrary, that the publication did not come under the cognizance of the House. He cited the authority of chief justice Holt, that neither House of parliament could infringe upon the liberty of the subject. He further quoted from the same authority, that the privileges of parliament were founded upon the laws of the land, and could not be in contradiction to those laws. He stated also, that, in the argument laid down by chief justice De Grey, it was laid down that, as the law of parliament was only known to parliament-men, the public could not be justly answerable for any breach of it. The noble lord then adverted to those personal considerations that must shew that sir Francis Burdett could not have been influenced by any anti-constitutional motives in his public conduct. He derived those well-grounded presumptions from the hon. baronet's amiable private character, his great stake in the country, and his ancient family.

Sir *John Anstruther* differed most materially from the noble lord who had just sat down, in many points, but in none more than as to his sense of the importance of any attempt, from whatever quarter, to wean the feelings of the people of England from the support of that House. The House stood in that peculiar situation, that it behoved it to guard itself equally from the invasions of the influence of the crown on the one side, and the advancement of popular encroachments upon the other; and the best way to do that effectually was uniformly to support its own rights and privileges. These privileges had never been exercised but for the good of the country at large, and it could not be for the benefit of that country to shrink from the discussion, and the support of them. The question now before the House was extremely clear, whether there had been a libellous publication against the rights and privileges of that House, or not; whether the rights and privileges, so long exercised by that House belonged to it, or not; and if they did, whether the House had or had not, the right of enforcing them. And here he would ask, if it was necessary for the House at that time of day seriously to inquire, whether it had the privileges said to be infringed upon by that publication? The first thing that presented itself in the shape of even a plausible objection to the existence of the privilege in question was, that this was a libel, and therefore did not come under the head of a contempt of court. Admitting it, however, to be a libel, how did it follow that it was not a breach of privilege? Was it no breach of privilege here, because it was an offence of another kind elsewhere? Or, was it to be said, that because the offence had such extent as to be punishable elsewhere, it was therefore not punishable here, a position which could not be maintained unless the latitude of the crime was to be made a ground of comparative impunity? The offence was indictable in one of the courts of law. What then? Because it was so, were they to pass it over without notice; that was, in other words, were they to be told, that because it was a libel, it could not be a breach of privilege? But it had been argued, that a libel, though a breach of privilege, ought not to be punished as such, but generally as a breach of the peace. Here they had a libel admitted to be a breach of privilege, and that admission ended the argument so far; for if they had privileges they must have the power of supporting them. He, however, denied altogether that an offence amounting to a breach of privilege was removed out of the jurisdiction of that House, because that breach of privilege was also a libel.

The hon. baronet began his Letter with stating, that "the House of Commons having passed a Vote, which amounts to a declaration, that an order of theirs is to be of more weight than Magna Charta and the Laws of the Land." This was an insidious and false way of stating a groundless proposition—a groundless calumny. What was the question? Did the House really act in violation of Magna Charta and the law of the land? What was the law of the land? Where was it to be found? Where were they to look for it? He knew of no place to look for it but in the practice of that House and the other established courts of jurisprudence. What, then, was the privilege claimed by that House?—that that House being a third branch of the legislature, should have the power of preventing or removing all obstructions thrown in the way of the free exercise of its judgment—all contempts must be allowed to be classed under the head of such obstructions—all calumnies circulated against the free exercise of their right of judgment would be admitted at once to be breaches of privilege; and, if such calumnies, instead of evaporating in words, should be elaborately embodied in a printed paper, was the breach of privilege the less, or did it, on that account, cease to be a breach of privilege? Should the House of Commons suffer itself to be run down in such a manner? Was there a common club of the meanest description that had not in itself a power of protecting itself against such calumnies from its own members? Obstructions, it could not be denied by any man, the House had a right to remove; and, not merely personal obstructions, for there were obstructions, which, though not operating by actual personal force, had yet the same effect in ultimately influencing the decisions of that House.

Whatever went to prevent the free exercise of the judgment of that House was a virtual obstruction, and as such ought to be removed. Were such obstructions altogether unprecedented? Had they been in other times unusual? How had the vote been carried against lord Strafford? Had the exercise of the judgment of the House been free and uncontrouled in that instance? When the walls were placarded with menaces, and members hooted and halloo'd by the mob as Straffordians, as they passed to and from the House?* And why might they not do the same to-morrow? Aye, but then it might be said that hooting was more like a personal obstruction than placarding and posting upon the walls. But was nothing to be construed as an obstruction but what was personally so? Were there no such things as constructive obstructions? Impediments which were not actually personal, but which had virtually the same effect. Libels came exactly up to the case of constructive obstructions. The privileges of that House were essentially necessary to its existence, and as calumny was the most dangerous assailant their privileges could have, was it to be supposed that the putting that calumny in writing took from the House the right of protecting itself against its influence by the punishment of the author? Or was the House compelled, in such a case, to wait the slow progress of an indictment? a remedy, that after all would not apply to the offence, as an offence against the privileges of that House. The courts below to which they would in that case apply, would not look upon the offence as a breach of privilege, they would not take cognizance of it in that view: they would try it as a breach of the peace, and not as a breach of their privileges.

The next question was, if they had those privileges, had they the power of judging of offences against their own privileges? And here perhaps, he ought to apologize to the Chair for merely asking that question; for if the House of Commons was not judge of its own privileges, and the only judge of those privileges, he for his part did not know how the House of Commons could be said to exist at all. In his judgment their independence was totally gone when any other power than themselves was allowed to be judge of their privileges; and in saying this, was he claiming more for the House of Commons than belonged to the lowest court? The lowest court could punish for contempt, and, what was more, no court would interfere in commitments for contempt by any other. So that the House by inforcing this privilege asked for nothing more than what belonged to every other court. That House had therefore the power of judging of its own privileges, and of protecting those privileges. That power, however, like every other power, admitted of abuse: but the abuse of a thing was no argument against its existence. As to the charge of abuse of its power, the House of Commons might with confidence appeal to the past. It would be found that, for the last three hundred years, in the same proportion as their authority had become more solid and extended, had their exercise of that power been calm, moderate, and prudent.

But it had been said that a breach of privilege was no contempt. This objection he did not answer, only because he did not understand it. If a breach of their privileges was not a contempt of their authority, he did not know what contempt was. Again, it was objected, that if they were the judges of their own privileges, they might make what privileges they pleased. But had they done so? Let them look back, and they would see, that that House had never been fond of creating new privileges, they had privileges enough to uphold their own independence, and vindicate their constitutional authority, and one, and perhaps the most important of those privileges, was to prevent their deliberations from being impeded by the attacks of calumny. The calumny, in the present instance, came from one, who had set himself high on the side of the people. He would put the case, that that the same attempts to run down the character and authority of that House had been made by the crown, or he should rather say the servants of the crown, and he would ask, in that case, what would have been the language of the gentlemen who were now so moderate and so full of doubts upon the present question? Would those gentlemen have been quite so calm and considerate as they now appeared to be? or would not the House have heard from them different language and in a much higher tone? But whatever their language might be, he would take the same part in either case, and impartially defend the privileges and authority of that House against both. Committal for contempt was, however, not much disputed, as being that which the House had done at all times.

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* See 2 Cobbett's Parl. Hist. 753.

It had been said, that the right of committing for libel could not be traced. He admitted that it could not. They could not trace the fact, from the very simple reason, that libels must have been subsequent to the invention of the art of printing—printing must have been common before a case of libel could have occurred. But if they could not trace the fact, they could easily trace the principle. That did not depend upon the fact of printing. Courts had uniformly punished calumnious expressions. That House had been in possession of the right of doing so from its earliest stage; and the principle upon which it exercised that right was not altered by the calumny appearing in a printed form. He was very far indeed from being disposed to panegyrize the wisdom or prudence of the hon. gent. (Mr. Lethbridge), in forcing the attention of the House to the libel now before them. But, now that it was before them, and that they were called upon either to stand by, or to renounce their privileges, he admitted that there was no receding from the broad question. It was a remark that would be found to hold without one exception, that whether the government was in the hands of the whigs or the tories, this power of committal had been always exercised by that House, and in every instance of that exercise having been questioned by an appeal to the courts of law, the right was uniformly confirmed by their decision; the courts of law having uniformly justified that power upon the same grounds upon which they professed to hold their own.

He was surprised at the noble lord's citing a publication of the House of Lords respecting their own privileges, as an authority to weigh with that House in determining upon their's. He would refer that noble lord to the answer given to that publication for the vindication of the privileges of that House. In all times the House punished for libel as an attack upon their privileges. The case of the King *versus* Flower was a proof of this. He did not want to borrow support from the other House, but he had no objection to their aid where their cases properly applied. Crosby, the Lord Mayor of London, was sent to the Tower. He applied to the Common Pleas for his Habeas Corpus; the other person taken up with him, and committed by virtue of the same warrant, applied to the King's Bench for his Habeas also? The Habeas was refused in both instances. Lord De Grey, a great constitutional lawyer, an upright judge, and an honest man, remanded the Lord Mayor, and why? because the reason assigned for commitment was deemed sufficient contempt on the face of the warrant. That great lawyer pronounced the House of Commons to be the judges of its own privileges. The law of their privileges was to be found in their own adjudications of those privileges and their mode of punishment was that of commitment. But what were the words of Lord De Grey, in speaking of this right of commitment on the part of the House—"They have a right to commit, because it is necessary they should." This was the reason assigned by lord De Grey, and the moment they parted with the right of judging their own privileges, that moment they ceased to be independent.

The case of Alexander Murray was another in which the right of the House to commit had been tried by an application for an Habeas Corpus, and confirmed. Murray was remanded. The case of the Kentish petition was also in point. At that time the parliament was a Tory one; the ministers, Tory; the six persons who presented the petition were committed—in the course of that year there was a change of Ministers; and the next year there was a Whig ministry, and a Whig parliament. What did they? They not only followed up the proceedings of their predecessors, but embodied them into Resolutions; so that here was a case, where in the heat of party contest, men differing upon every other subject, agreed upon this point of privilege; this was in 1701. The case of Chief Justice Holt was greatly relied upon; but let gentlemen remember, that if Lord Chief Justice Holt was of one opinion, the other eleven Judges were of an opposite opinion. Besides, were they to be told, that the authority of other great lawyers went for nothing? The hon. baronet had made light of the names of De Grey, Mansfield, and Kenyon; those sages of modern times; but it did not follow, that the House would think as lightly of them as the hon. baronet. Besides, lord Holt never denied the right of the House to commit for contempt. Lord Holt merely questioned the limits, whereas the hon. baronet denied the existence of the power; and he candidly cited the authority of lord Holt in aid of his own opinion, as if the authority that objected to the excess of the power, was fairly to be brought forward as an evidence, that the power did not exist at all! He mentioned this, therefore, merely to guard the House against confounding the opinions of the hon. baronet with the judgments of lord Holt. He therefore was warranted in repeating, that the House of Commons in their assertion of this right, was claiming nothing more than what of right belonged to the lowest and most confined jurisdiction. Of all their privileges, none was more important to them than that of preserving their authority from those contumelious and licentious calumnies which had a tendency to shake their dignity by lowering their character in public estimation. Attacks of this description, no matter how embodied, or from what quarter directed, whether from a mob out of doors, or one of their own members from within, the privileges of that House were equally competent to resist and punish whatever form they assumed, whether they appeared in the shape of a libel or of a personal breach of the peace; they would in either case be no less breaches of privilege, and as such, subject to the undisputed cognizance of that House.

With respect, then, to the hon. baronet, he would say, that as to the course he had taken up, it appeared to him to be an hopeless one; at least, he might be allowed to say, that the reasoning, upon which his doctrines had been founded, did not appear to him calculated to impress conviction upon those who read it; the arrangement was bad, and the management of the argument was worse. The question, in fact, had been often agitated; it had been the subject of many pamphlets in the time of Wilkes. The proceedings in the year 1701, and on the question involving the legal jurisdiction of the House of Lords in the case of Ashby and White, all these sources furnished ample matter to the hon. baronet, but he might have borrowed with more selection than he had done. Indeed, the pamphlet of the hon. baronet teemed with evidence of dull, clumsy, ill-digested plagiarism, old and exploded doctrines revived without even their original strength, and put so badly, as if they were either wholly misunderstood, or stupidly misapplied; and this naturally brought him to the consideration of the importance of the pamphlet in question. He could not help thinking it (whatever it was meant to be) a very harmless production, and he could have wished that the zeal of the hon. gent. (Mr. Lethbridge) had been better tempered. If the notice of that House had not been forced to that pamphlet, it would have died the natural death of the nonsense that had gone before it. While, however, he acknowledged the pamphlet to be any thing but mischievous, he could not help observing upon the gross want of candour that distinguished most of its quotations and mis-statements. In the motto, the opinion of Judge Blackstone was given at large upon the right of personal liberty, from the third book of his Commentaries. Now, it was unfortunate for the hon. baronet's quotation, that Blackstone was himself one of the Judges who remanded the Lord Mayor of London, Crosby; and as to the candour, the hon. baronet could not have been ignorant, that, in the same work, the King's Bench is stated to have the power of bailing all persons committed on charge of certain offences, save those committed by either House of Parliament. Another instance of the candour of the hon. baronet was, his putting into what he called his Argument so many things that had not been uttered by him in that House; thereby wishing to make the House an instrument of its own disgrace, in tacitly succumbing to the avowal of such doctrines. Again, he lays it down in another part of this pamphlet, with equal candour,—"We may reasonably conclude, that all the privileges the House of Commons then thought itself intitled to, were enumerated in the order of the 1st of June, 1621, as sir Edward Coke, so well acquainted with, and then contending for them against the undue prerogative of the crown, claimed no more."

But the fact was, that the House then, as in all other cases, was employed in vindicating not the whole detail of their privileges, but the individual right and privilege in question. The pamphlet was, he repeated, deserving only of contempt, and he had therefore not the slightest apprehension as to any effect it could have upon the sound good sense of the people of England; at the same time, the privileges of that House could never suffer from discussion—the more they were discussed, the firmer they would stand. What the House meant to do, he was at a loss to know. The pamphlet appeared to him to be an aukward compilation of very bad arguments in very bad language; and he must again repeat his wish that such a work had been left to its own fate. He could not extol the wisdom or the prudence of the hon. gent. (Mr. Lethbridge), in visiting it with a character of importance so foreign to its own merits. He would advise that hon. gent. the next time he felt his zeal prompting him so hastily, to pause a little to consider the ulterior consequences a first step in such matters might lead to. He would advise that hon. gent. before he took a similar proceeding in future, to consult with others whose experience might be found to equal his own, and whose counsel might prove no unworthy or unnecessary accession to the native resources of his own practical wisdom.

Lord *Folkestone* expressed himself to be the more desirous to follow the learned gentleman, because, though a gentleman of so grave authority, he found himself compelled to say, that he differed from him widely, on almost every point to which he had alluded. The hon. gent. who brought forward the motion, had abstained from stating what were his views of the subject, and this he had a right to complain of on the part of the House. In this respect the hon. gent. had left the question entirely open to conjecture of every kind. He had not failed, however, to inform the House, how much he had been alarmed by the speech of the hon. baronet (sir F. Burdett), and how anxious he felt to see a check given to the practices in which that hon. baronet had been in the habit of indulging. Such an effect, indeed, had the speech of his hon. friend, the worthy baronet, had on the hon. mover, that, as he himself expressed it, "his hair stood on end." This conduct of the hon. mover had been attended with disagreeable effects; for, from this circumstance of their being in utter ignorance of the ideas of the hon. mover, every gentleman had taken an opposite view of the matter. Some complained of one expression, others of another. The hon. and learned gent. who had just sat down, accused his hon. friend of inaccuracy, but principally of bad taste. The motion of the hon. mover went to this, That the publication of the worthy baronet was a scandalous and libellous paper. The learned gent. who had just sat down, however, had taken no steps to prove that the publication was scandalous or libellous; he only attempted to shew, that it exhibited proofs of bad taste, but, in his conclusion, admitted, that it could do no harm. The learned and hon. gent. also accused his hon. friend of want of candour, and for proof of it, referred to the quotation on the title page. This might have proceeded from inadvertence or accidental inaccuracy; but, supposing that not to have been the case, want of candour could be no ground for complaining to that House. The right hon. and learned baronet, however, before he accused his hon. friend of want of candour, should be certain that he had acted with complete candour himself. He had referred to the Resolutions of the House in the year 1621, in which the privileges of the House were enumerated, and in the giving of which he accused his hon. friend of having made an omission, whereas in fact, the Resolutions referred to by the right hon. and learned gent. were those of December, 1621, and his hon. friend referred to those of June, 1621, drawn up, as was supposed, by lord Coke.

Another hon. and learned gent. the other day, had complained of the publication in question, in as far as it presumed to doubt of the legality of the Speaker's warrant. The jet of his hon. friend's argument, however, was fair on this point; and if he could question the validity of such a warrant at all, was exactly such as he must be supposed to have used. Before gentlemen pronounced the worthy baronet guilty of so serious an offence as that which the motion inferred, on a ground such as this, they were bound to look to the opinions of authors of reputation and weight, on the subject of warrants, and to their description of those which bore the marks of being legal or illegal. Hawkins, in his Pleas of the Crown, talking of legal warrants, laid it down that four things were necessary in them; as, the hand and seal of the person by whom the warrant was granted; lawful authority on the part of the person granting the warrant; lawful cause for granting it; and, a lawful conclusion. In all of these respects, so far, at least, as they could be seen on the face of the warrant itself, the paper authorising the commitment of Gale Jones was deficient. Was it not, therefore, too much to lay it down, that for a person unlearned in the law to hold, agreeably to the opinion of writers on that subject, that such a warrant was illegal, was a gross and scandalous libel? Another right hon. and learned gent. had laid great stress on the word "resist," as if it was an expression of a most indefensible nature. If gentlemen took the whole of the paper together, they would, however, find the word "resist" uniformly coupled with some words, importing that nothing but a legal resistance was contemplated. They would see, "to resist "the doctrine," "to resist with their "voice," &c. It was impossible, he contended, without giving to the words a forced construction, that any thing improper could be inferred from them. If the House was in any doubt on this subject, he held in his hand certain declarations of the great lord Chatham, which must at once convince them how dangerous and unconstitutional it would be to give such a construction to a term so innocent in itself. In these declarations the noble lord expressed a hope, that old as he was, he might see this House, of which he was then a member, and the country in general, once more united to oppose a despotic minister; he hoped to see measures fairly disputed; if not, might discord prevail for ever. It was of no consequence, the noble lord contended, whether the question was stated as applying to a despotic minister, or to the House of Commons. When they saw an authority such as this, he presumed the House would be slow, on a word of so slight a meaning, of passing so severe a judgment.

There was another offence also imputed to his hon. friend with equal injustice, as if he wished to represent the Bill of Rights as having been converted into a Bill of Wrongs. This was by no means the fact. The reverse indeed, was the case, as any gentleman might see who chose to read the passage throughout.—Here the noble lord quoted the whole passage as it stands in sir F. Burdett's Letter, which runs thus:—

"But in order that nothing may be wanting to render truly ludicrous every part of this proceeding, which, inverting the laws of the drama, as well as all other laws, begins with a farce, and ends with a tragedy; the House of Commons imprison Mr. Jones—under the sanction of what law, think ye? The Bill of Rights. Well might Paine call it the Bill of Wrongs, if it could be thus converted into an instrument to oppress and destroy the liberties of the people; those liberties for which it was expressly framed, claimed, demanded, and insisted upon to protect. Mr. Yorke has discovered a new meaning in the Bill of Rights; and, because the Bill of Rights declares that a member of parliament cannot be questioned any where out of parliament for words spoken therein, he has sapiently concluded, that the people are prohibited from exercising their understanding, for the purpose of discussing or censuring the conduct of the gentlemen who sit in that House," &c. On reading this passage gentlemen would be convinced, that though Mr. Yorke might be entitled to find fault with it, the House had no right to complain, still less any constitutional power to punish for it. The hon. baronet, so far from reflecting on the House, had gone out of his way to liberate them from any charge on this head. Another passage had been alluded to as the ground of serious charge against his hon. friend. The passage was that, where (speaking of the House of Commons), the hon. bart. stated that they, "inflated with their high blown fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the king and the people." Now, he must say, whatever might be attempted in the way of ridicule, that he agreed with an hon. and learned gent. below him (sir S. Romilly), that he did not clearly understand this passage. Yet, whatever these words were, every one of them, he believed, had been before used by the hon. bart. in his place in that House, when he moved for the liberation of Gale Jones. He was sure they had been used by him on other occasions. He did not state that as a justification, but only as to the fact of their not being unprecedented. As far as he could make out their meaning by the context, he presumed that by "assuming the sword of prerogative, and lording it equally over the king and people," was meant the power assumed by the House of Commons, of punishing where the law did not order it, and of doing acts beyond what the king or the other branch of the legislature had the power to do. That was the best interpretation that he could put upon it. The passage might perhaps be offensive; and they were told, that it was the more injurious as it was unintelligible. There might really be some ingenuity in this reasoning; but he could not perceive why the House should be the more inclined to punish, when sitting in judgment on a passage they did not clearly understand.

It was called scandalous and libellous. He spoke in the hearing of learned persons when he said he believed, that to be scandalous, it must be false, and to be libellous, a bad intention must be shewn; which he had not yet heard urged. He could see no right to infer any bad motive from this publication, unless it were from the word "Resist;" for which, he declared, he could find no ground.

The right hon. and learned gent. however, had said, that the paper in question reflected on the just rights and privileges of the House. The House, therefore, was called on to determine not only on the scandalous and libellous nature of the publication in question, but also on the justice of its own rights and privileges. The paper in question, it was to be observed, was one in which the worthy baronet proposed to explain to his constituents, more fully than in the usual method, his sentiments on a particular question. The noble lord did not pretend to know how far that was right. He was aware that it was considered as a violation of their rules, that any account of their proceedings should be made public; but of this he was also certain, that for many years the violation of this rule had been systematically connived at, till the infringement of the order had become more a matter of right than the observance of it. It was well known however, that even while the right of keeping their proceedings secret from the public was rigidly acted up to, it was the constant and uniform practice of members to send to their constituents, daily, weekly and monthly accounts of their proceedings, particularly so far as the individual member was himself concerned. Gentlemen were, therefore, to determine, if this was an allowable practice in members of that House, whether in a case of this kind, they were entitled to proceed entirely from recollection, particularly when so many members were present now, who had not been present when the speech of the worthy bart., so communicated by him to his constituents, was made? In considering this question, too, the House must take into view that they were called on to pronounce this a libel in the particular circumstances he had mentioned. No person, the noble lord presumed, would venture to assert, if one were satisfied that the right did not exist, that he was not entitled to say so. In the first place, therefore, the question to be considered was, what was a Privilege? The definition of the term seemed to imply, that it was an exemption from the law as applied to others. This clearly implied that such privilege must be distinctly defined. The ancient privileges of the House were, freedom of speech; and freedom from arrest for themselves, and even for their servants, except in cases of treason, felony or breach of the peace. The noble lord believed, the reason of these privileges was to prevent the members from being impeded in giving their personal attendance in parliament; what was complained of in the present case, however, did not come under any of them. The right hon. and learned baronet said, that freedom from libel was necessary for the members of the House to enable them to give their minds to the consideration of the subject, which might chance to be before them. It would be giving a wide interpretation indeed, to the privileges of the House, to maintain that they were to be extended to the length now contended for. As to hissing or hooting the members in coming to or returning from the House, that was very different from the present case. He was far from objecting to the right of the House, to remove obstructions to its proceedings, but the present was not a case of that kind. The right hon. and learned Master of the Rolls had stated, that it was necessary the House should have the power of commitment. He did not state, however, that it was necessary they should have this power as a privilege. Chief justice De Grey, too, had said, that it was necessary the House should have this power. What was this but saying, that it was necessary the House should have the power of removing all obstructions to their proceedings, a power which nobody thought of denying? Here, however, there was nothing of that kind. In the offence committed by Jones there was nothing that could have obstructed the proceedings of that House, had no question been raised on the subject. In former cases they had gone on equally well without any committal. They had done so in the cases of Stockdale and of Reeves.

It had been said by the right hon. and learned baronet, that all courts had a power to punish for contempt against themselves. Then, he submitted, it was necessary to shew what contempt was. It must, he was satisfied, be something calculated to obstruct the proceedings of the court, or to load it with contumely. Lord Kenyon had laid it down that contempt might be committed out of court; but he had only adduced one instance to this effect, which was the case of an Under-Sheriff, who had neglected his duty in putting in force the process of the court. In the Court of King's bench, Mr. Bingley, a bookseller, had been brought before lord Mansfield, charged with publishing libels against the court, and on his refusal to answer, insisting that he had a right to be tried by his peers, was committed to prison, where he was detained for two years, still refusing, during the whole of the time, to submit to the jurisdiction of the court. Finally, he was discharged on the motion of the Attorney General, on the ground that his imprisonment had been of longer duration, probably, than he might have suffered had he received judgment for the offence. This, however, instead of being an argument for, was an aggravation of the offence originally committed, and which had been weekly and daily repeated by Mr. Bingley during the whole of that period. If a contempt, therefore, had in that case been committed in the first instance, it had been aggravated, and the court had been foiled in the attempt to punish it. In the recent case of Hart and White, printer and proprietor of a newspaper called the Independent Whig, for a libel against the court of King's bench, that court had not proceeded against them as for contempt, but they had been tried, and were convicted by their peers. In the same way on former occasions, that House had not committed Stockdale and Reeves for contempt, but had ordered prosecutions against them.

An hon. gent. had asked, if the worthy baronet denied the right of that House to commit any person not a member of the House, why did he not object to the committal, during the last session, of Huxley Sandon? That case, however, had no relation to the present case; there then was an obstruction of the proceedings of the House. It was essential that the House should have it in their power to take every step to enforce the exercise of their own privileges as a court of inquiry. If, therefore, they had a power to examine witnesses at the bar, it was essential to the due exercise of this right that they should be entitled to inforce compliance with it. He contended, however, that the House was entitled to exercise this power only in the removing of obstructions to their own proceedings.—At one time it had been assumed as the privilege of that House to imprison a man for a week, a month, a year, or any other indefinite period. Now, however, it was admitted, that no such power existed. It was obvious, therefore, that this could not be meant for punishment. The House could only commit during its own sitting, thereby clearly shewing that the power was conferred solely to prevent the obstruction of their own proceedings. If otherwise, and the power were given them for the sake of punishment, what would be the inference? that for a petty breach of privilege one man who was guilty of it on the first day of the meeting of parliament might be at their mercy possibly for seven years, while another person who had committed a grievous offence on the last day of their sitting must be liberated on the very same day? If the power, therefore, was meant to be conferred for the sake of punishing offenders, he submitted that this uncertainty could not have been tolerated. The privileges of that House were to be regulated by Magna Charta and the law of the land; and Magna Charta itself declared that the subjects of this country were to be imprisoned only 'per judicium parium, vel legem terræ.' Even in the reign of Charles the 1st, there was a direct acknowledgment to this effect, by the three branches of the legislature, where it is declared that no freeman can be confined or detained in prison:—That a writ of Habeas Corpus cannot be denied to any man:—And that, if any one should be committed without just cause, he ought to be delivered up or bailed. This was at a time when the House was assuming to itself great powers, and when it was contending with the crown as to the power of commitment. The House of Lords, too, had declared this right on the part of the Commons to be an assumption of power against law. And in the case of Asby and White, it had been resolved, that neither House had any such power, so far as it was not warranted by act of parliament. These Resolutions passed during periods of heat and contention, and when the House had assumed powers which nobody would venture to deny were illegally assumed. Undoubtedly, the House would not go to the Journals of the House of Lords to learn what their privileges were; but when they were called on to make a moderate use of their privileges, they could hardly act amiss in seeing what were the opinions of others on the subject of these privileges. Each of the three branches were at all times anxious enough to deny such a privilege to each other; but they were all, in their turns, alike eager to assert it to themselves.

There was another circumstance, too, which might be worthy of consideration. "On what ground did either House claim this privilege?" The House of Lords might assert it in their legal capacity; but that House could lay claim to it only as a branch of the legislature. The right hon. and learned gentleman who spoke last, had said it was necessary that no slur should be cast on that House. Were they, however, to be in this respect more protected than the crown? The crown could do no more than order a prosecution in case of a libel against its authority: so could that House without resorting to the present extraordinary privilege, without which they would be equally protected with the crown.—The right hon. and learned gentleman, however, went on to say, that this privilege was agreeable to law, and that there were instances of complaints of the kind from the earliest period, when there was any necessity for making them. This he denied: as the first instance of such a complaint was in the case of Hall, in the reign of queen Elizabeth. The right hon. and learned gentleman had also said, that there had been a regular and undisputed custom of committing on such charges. This he must also deny. In the case of Crosby and Oliver, the House had undoubtedly proceeded to commitment, and the judge had refused them the benefit of the Habeas Corpus, although it was declared to be the right of every man, but this they had done on the ground, that these two persons had been committed for an infringement of the law of parliament, which was unknown. This, he presumed to think was a dangerous doctrine, but he left it to abler hands to discuss it. In the case of Mr. Wilkes, however, the House had not ventured to commit, for he had resisted their authority. There were only two cases of the kind in which resistance had been made, and in both of these the commitment had been prevented. In the year 1680, Mr. Stowell was ordered to be committed, but he resisted the order, and the House finding itself in a dilemma, voted that he was sick, and could not be brought up till a distant day. The other case was that of Mr. Wilkes, who having refused to attend in consequence of the order of the House, the House again fixed the Friday for his attendance, and to avoid meeting the question, adjourned on the Thursday.

The noble lord then proceeded to notice the case of the Kentish petitioners. One of these, a Mr. Culpepper, afterwards petitioned against a return of one of the members, alleging that he had the greatest number of legal votes, and a Committee of that House reported on his petition, that he being one of the petitioners in the scandalous Kentish petition, was not duly elected. Could there, he asked, be a stronger specimen of the feelings of such a parliament, and of the danger of such an arbitrary right as this? He begged the House to recollect that the two cases decided by chief justice De Grey were determined on this ground, that the law of parliament was unknown. Lord Shaftesbury too, was refused to be released on similar grounds, but from this additional reason also, that he had been guilty of a breach of privilege *in facie curiæ*, so that his conduct might have amounted to an obstruction. Were the subjects of this country to be tried by a law which was not known? Were they even to become amenable to a secret tribunal? If the House had a right to call before them persons not members of the House, to answer for their conduct, would not such persons in reality become subject to a secret tribunal? Would they not be deprived of their fair trial by their peers? become subject to a tribunal not bound down by the solemnity of an oath; and where the privilege of counsel would not be allowed them?

He had felt it his duty to say thus much as to what he conceived to be the law on this subject. He had done so to shew what would be the grievous oppression to which the public must be exposed, if persons, not members of that House, were liable to be so called on and so treated. He hoped the House would recollect that they were called on to determine a question of the most grave consideration, and which was so doubtful in the opinion of a great majority of that House, that they adjourned the consideration of it for a week. The worthy baronet had not had the opportunity of hearing the observations against him, or of making any reply to them; he hoped, therefore, the House would come to the consideration of the question not with the feelings of advocates but of judges. The hon. gent. who had brought forward the motion stated it to be his object to give a check to such observations as he had been accustomed to hear from the worthy bart. The hon. gent. who seconded the motion stated it to be his object to repress jacobinism; and a third gent., on a former night had said, that no person could doubt as to the opinions and views of sir Francis Burdett. He trusted the House was not prepared to come to a decision on so important a question with such feelings as these; but that they were prepared dispassionately to say, whether the publication in question was or was not a scandalous libel, reflecting on the just privileges of that House. For his own part, he thought it was not. He felt, however, that the House was in a dilemma on the subject, and therefore should move that the other orders of the day be now read.

Lord *Binning* said he did not think it possible to overstate the importance of the paper then under the consideration of the House, because it attacked, in the most gross and violent manner, the just privileges of that House, without a due respect for which they must soon sink into insignificance—because the present were not ordinary times, nor was the hon. baronet, who was the author of it, an ordinary man. The hon. baronet had, for a length of time, in furtherance and support of his favourite child—a reform in the representation of the House of Commons—taken every opportunity to blacken the character of the House. From time to time, the House had heard that they had not a leg to stand on; and in the course of the last session the hon. bart. had even said, that the only place in which the people of England were treated with contempt was in the House of Commons. Some gentlemen had, in extenuation of many passages in this paper, said, that they were nonsense; he had no inclination or intention to deny the truth of the observation; but that, in his mind, made very little difference. Certain facts, stated in a certain way, might be equally mischievous in their tendency and effect, whether done nonsensically or with ability; and, if the House wished their privileges should not be trampled under foot, it was high time to assert them. The noble lord had said a great deal on the word resist—but all he had said amounted only to this, that it meant humble petitions. He was, however, of a different opinion; for when this word came to be coupled with and applied to particular passages of the hon. baronet's Letter to his Constituents, it would appear to mean a resistance much more forcible and energetic, and what was meant to lead to very different results than those of humble petitions. The hon. bart. had said, the decision of the House of Commons was greater than the law of the land. He had also said:

"It is therefore now time to resist the doctrine upon which Mr. Jones has been sent to Newgate; or it is high time to cease all pretensions to those liberties which were acquired by our fore-fathers, after so many struggles and so many sacrifices."

"Either the House of Commons is authorized to dispense with the laws of the land, or it is not. If the constitution be of so delicate a texture, so weak a frame, so fragile a substance, that is to be only spoken of in terms of admiration, and to be viewed merely as a piece of curious but unprofitable workmanship; if Magna Charta, and all the wholesome laws of England be a dead letter; in that case, the affirmative of the proposition may be admitted; but if the constitution lives, and is applicable to its ends; namely, the happiness of the community, the perfect security of the life, liberty, and property of each member, and of all the members of society, then the affirmative of the proposition can never be admitted; then must we be freemen, for we need no better security, no more powerful protection for our rights and liberties, than the laws and constitution."

"To these laws we have a right to look with confidence for security; to these laws the individual now imprisoned has through me applied for redress in vain. Those who have imprisoned him have refused to listen to my voice, weakly expressing the strong principles of the law, the undeniable claims of this Englishman's birthright. Your voice may come with more force, may command greater respect, and, I am not without hope, that it may prove irresistible, if it proclaim to this House of Commons, as the tongues of our ancestors proclaimed to the kings of old, *Nolumus leges Angliæ mutare,* or in more clear and not less forcible language, The laws of England shall not be changed."

These passages, he must contend, meant a resistance far beyond the noble lord's explanation of humble petitions. The hon. baronet had set out with saying the House had no power to commit; there was, he said, no period in the history of the country, in which the House had not enjoyed and exercised that right, though he confessed it had always been exercised with the greatest leniency. The noble lord then adverted to the committal of the messenger of the House by the lord mayor in 1771. In that case the House ordered Wilkes to attend, but he refused to do so, unless they sent for him as member for Middlesex. He was ordered to attend on the 8th, and they afterwards adjourned to the 9th, because, for reasons best known to themselves, they did not then chuse to enter into a controversy with him.—In the case of Woodfall, who had published a libel against the Speaker, Woodfall was sent for, and gave up the author, John Horne. Horne was then sent for, but having more wit about him than many other men, he desired to be informed whether he was sent for as a witness, or on a charge. He was told there was a charge against him, and he appeared. He escaped, however, any further notice, because no charge could be made out against him. The noble lord said, it would be an abuse of the time of the House to waste more of it, by endeavouring to shew that this paper was a gross and scandalous libel on its character, and a breach of its privileges; the manner in which the hon. baronet had mentioned the Speaker's Warrant would be conclusive on the subject. "Let this instrument, this thing *sui generis*, be contrasted with the description above given, of the properties of a lawful warrant. Does it not evidently appear that this piece of unsealed paper, signed by the Speaker, by which an untried subject has been outlawed, bears no feature of legality? And that from the commencement of this proceeding, in its progress, and to its conclusion, there is not one single step that has not been marked with disrespect for the laws—a disrespect in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive."

It would be endless to point out all the passages, that contained injurious and insulting reflections upon the character and conduct of that House, he should therefore content himself with calling the attention to one or two other paragraphs which struck him as peculiarly calumnious. One was that wherein the hon. baronet charges the House with the assumption of the power to inflict arbitrary and unlimited punishments.

"Then, again, as to the kind of punishment. If they have the absolute power of imprisoning and releasing, why may they not send their prisoners to York gaol as to one in London? Why not confine men in solitary cells, or load them with chains and bolts? They have not gone these lengths yet; but what is there to restrain them, if they are to be the sole judges of the extent of their powers; and if they are to exercise those powers without any controul, and without leaving the parties whom they choose to punish any mode of appeal, any means of redress?"

There was also a passage in which the hon. baronet spoke of that House as being the lower or inferior branch of the legislature: "They (the House) have become the proprietors, by burgage tenure, of the whole representation; and in that capacity, inflated with their high blown, fanciful ideas of majesty, and tricked out in the trappings of royalty, think privilege and protection beneath their dignity, assume the sword of prerogative, and lord it equally over the King and the people." His lordship said, he did not know the meaning of it; but it was certainly a very great abuse of the House of Commons. The hon. baronet had been pleased to refer to the Roman Satirist, who, when lashing the vices of a corrupt country, particularly upbraids the absence of feeling generally exhibited for the sufferings of small men in humble stations. The poor man may lose his goods and all his effects. Should his house be burned to the ground, no one troubles himself about it; but if misfortune touches the great, then all partake of the general sorrow.

"Magna Arturii cecidit domus, &c.
"Tunc gemimus casus urbis; tunc odimus ignem."
"Poor Codrus excites no sympathy," &c.

This was an insinuation the House has never deserved. He had not heard, nor could conceive, that the House ever oppressed a poor man. He could conceive a poor man committing a gross and scandalous libel on the House, and also a powerful man who could write a still more scandalous libel in defence of him; and as the hon. baronet had in the House admitted that libel to be his, he thought it high time for the House to assert its privileges, and he should therefore vote for the Resolutions.

Sir *S. Romilly* observed, that when this question was before under consideration, he felt it to be his duty to impress upon the House, the necessity of allowing time for the fullest deliberation of so important a subject. Since that period he had given it all the attention in his power: yet after all the consideration that he had bestowed on it, he must say, that if it was true, as had been stated by gentlemen opposite, that he was the only person who entertained doubts; of those doubts he was not ashamed. He had now to congratulate the House upon the disposition that was manifested to meet the discussion with that degree of temper and deliberation which was suited to its importance. He congratulated it upon the change which had taken place in its tone and feelings upon this question. They had not that night heard of carrying it with acclamation. There was happily a cessation of those warm, indignant, and intemperate emotions, under the influence of which many were disposed on the former occasion to precipitate the decision. The result of such a satisfactory change must be, that though the decision to which the House would now come, should be the same decision as it would have pronounced upon the former night, still it was impossible, but that the House must declare its determination, in a manner much more creditable to itself, as well as more calculated to acquire that respect from the people, which, upon every principle, was always to be desired. In taking into its consideration the nature of the publication complained of, the House had two questions to discuss: First, whether it was a libel at all, and, next, whether it was expedient to acquiesce in the Resolutions proposed. For his own part, he was free to admit, that he still entertained doubts; first, whether this publication was a libel; and next, whether it intrenched upon the privileges of that House. In order fairly to consider the full bearing of the question, it was absolutely necessary to review it, from the very circumstance in which it originated, to the motions now proposed. Such a course was absolutely necessary before they could justly pronounce against the present publication. The hon. baronet who was the author of it, had complained of a proceeding of that House against a subject of these realms as, in his opinion, highly illegal. Another hon. member of the House, indignant at such complaint, had submitted certain resolutions, declaring the conduct of the hon. baronet a gross and scandalous offence. The House, therefore, before it could pronounce upon the present paper, must be aware that it could not, without a strange departure from justice, do so, without considering the nature of the other case, namely, its right to commit Mr. Jones. Whatever impression, therefore, some expressions in the publication of the hon. baronet might probably make, if in the main view of the original question, that was, the imprisonment of Mr. Jones, he (sir Francis) should turn out to be right, surely such a conclusion must have the effect of mitigating the impropriety of any strong or offensive observations into which in arguing such a serious subject the hon. baronet might have been led.—Upon that original question, namely, the right of this House to commit for libels, reflecting upon its proceedings, he (sir Samuel) would proceed with great candour to state the doubts he entertained of the legality of its exercise. Perhaps it would be a more appropriate expression to say, that he doubted its justifiableness, the term illegal not being properly applicable to a body which was not under the controul of any superior jurisdiction.—Whatever, therefore, were its acts, in whatever view it interpreted its privileges, he was convinced that if even it proceeded in error, that error could alone be remedied in that House. The very extent of such a power should, of itself, recommend the most scrupulous forbearance in carrying into practice privileges dependent upon very dubious grounds for support.

With respect to the right of committing for a libel, therefore, it would ill become him, knowing that the House so lately decided differently, to give his opinion without some diffidence. Had not that case been so prominently before him, he would not limit his expression to the term doubt, but would at once say, that he thought the commitment for a libel reflecting upon the past proceedings of that House, was unjustifiable. When, therefore, such an opinion was entertained by any part of that House or of the country, it was to be recollected that there was at present a person suffering under the exercise of the disputed right, and therefore it became a duty particularly and deliberately to review the merits of that individual's case. Taking for granted, (indeed it had not been denied) that the warrant under which Mr. Jones was committed, was strictly copied in the publication of the hon. baronet, that warrant set forth two offences: first, a scandalous and libellous attack upon the conduct and character of that House; and, secondly, a similar offence against the character and conduct of some particular members. With respect to the first head of offence, although he had looked with the most inquisitive attention to the publication for which Mr. Jones was committed, he must contend, that in such paper there was not a single expression reflecting upon the conduct and character of that House. It most certainly complained of the conduct of two members of that House, and in making them the subject of a discussion in a debating society, putting them on their trial before persons who had paid their shilling for admission, and subjecting them to be arraigned by those who gratuitously displayed their eloquence in the accusation of such characters, was very reprehensible; but, still, it could not be construed into a libel against the character of that House. For what were the words of Mr. Jones's publication?—

"Windham and Yorke.—British Forum, 33, Bedford-Street, Covent-Garden—Monday, Feb. 19, 1810.—Question:—Which was a greater outrage upon the public feeling, Mr. Yorke's enforcement of the Standing Order to exclude Strangers from the House of Commons, or Mr. Windham's recent attack upon the Liberty of the Press?"

The gravamen of the complaint was for enforcing the Standing Order for exclusion. Such enforcement was the act of the individual and not of the House (murmurs from the ministerial benches.) From the manner of the gentlemen opposite, he perceived, that they did not concur in his inference. He, however, felt convinced that his observation was justified by the understood practice of that House. He was fortified in that opinion by the authority of the Chair, when on a recent occasion (the discussion of the bye-law of Lincoln's-Inn,) it was communicated to a right hon. friend of his (Mr. Windham,) that the propriety of enforcing it could not become a question of debate. The only point, in which the House gave its concurrence or was at all consulted was upon the first day of the Sessions, when it agreed to the Standing Order. But the succeeding paragraph of the paper fully proved, that in the contemplation of the author, the censure expressed did by no means apply to the House but to the individual member. That paragraph was as follows:—

"Last Monday, after an interesting discussion, it was unanimously decided, that the enforcement of the Standing Orders by shutting out Strangers from the gallery of the House of Commons, ought to be censured as an insidious and ill-timed attack upon the liberty of the press, as tending to aggravate the discontents of the people, and to render their representatives objects of jealous suspicion."

Observe, then, how carefully, and in what a jealous manner the opinion which the sentence went to convey, was expressed. Why was it so guarded? only to prove that its censure went to affect the individual members, and was not at all intended to apply to the character or conduct of that House. Moreover, it was evident, that the censure was not levelled at the Order of that House. No such intention could be supposed. The attack was made upon its enforcement at that most particular moment, when the public mind was vigilantly directed to the proceedings of Parliament; and as that enforcement could only be the act of an individual, it was impossible to say that in the publication there was a single syllable affecting or reflecting upon the character of the House, unless it was attempted to be held that its character was committed with the conduct and character of every individual member. Though such was his sincere conviction upon that part of the case, he trusted that no person would consider him as in any degree justifying the nature of this attack upon these two hon. members (Messrs. Yorke and Windham). He would go further, and state his opinion, that such a publication amounted to a libel against the individuals mentioned, inasmuch as it imputed by inuendo, very improper motives to their conduct.

But then, in reverting to the warrant under which Mr. Jones was confined, it would be found, that though one branch of his offence was stated to consist in libelling the conduct and character of particular members, still it was not specified that it was for conduct pursued by them within that House. Next, with respect to the remedy which a person so committed possessed. Although it was true, as in the case of Alderman Crosby, that the courts below would not interfere, upon the ground that they knew nothing about the privileges of Parliament; yet, if it were specified in the warrant of commitment, what those privileges were, and in what their alledged violation consisted, was it not reasonable to presume that the individual might be relieved by Habeas Corpus? Suppose, for instance, that a man was committed by the House for saying, that Bank notes had depreciated in value, and that they had chosen to declare it a breach of privilege. Would it be maintained that such a person would not be relieved by Habeas Corpus. Indeed, from every view which he was able to take of the question, he could not restrict himself to say, that he merely doubted, but must avow that he entertained very strong doubts of the power of that House, to commit for libels affecting its past proceedings. He, at the same time, fully admitted that such a right was possessed by them, in order to punish all breaches of privilege which went to obstruct the performance of their many sacred and important duties. Such obstructions, however, must not operate in an indirect way, they must at once tend to produce that with which they were charged as intended to produce. There were numerous cases where the authority of the House would be debarred, unless it had the power to prevent these direct impediments to the exercise of its duties. Such were the refusal of witnesses to attend, or answer interrogatories put to them. Such were all attempts to intimidate members in the votes they should give. Unless the House had in such cases the power of proceeding by the summary way of commitment for contempt, there could be no unbiassed decision.

The power of commitment for censuring past proceedings, was far different in its nature and consequences. It was in contradiction to the most sacred and important principles of positive law. It confounded in the same tribunal the discordant characters of party, accuser and judge. It deprived the accused of that which every legal jurisdiction secured to him, the power of being heard in his own defence. It went to decide upon the conduct of the accused without suffering him to state his own construction, and in his absence, the judges who were to decide, were each engaged in putting an aggravated interpretation upon his meaning. He who must best know what he himself meant, was refused to be heard, and the construction of those who were ignorant of his motives and meaning, was to be substituted. Was there, he would ask, one judge in the courts below, who would deny to an individual thus situated, the right of being heard in his own defence, or in the denial of such a right would venture to adopt his own construction of the conduct of the accused? Let the House pause, then, and reflect upon the course it was now adopting! Let it recollect that it was proceeding against the hon. baronet, without having examined a single witness, without the power of examining upon oath, as judges of the law and of the fact, and without that power of appeal being allowed, which the accused in all the ordinary courts of justice possess.

But even allowing that in very extraordinary cases this power should be vested in the House of Commons, still he would contend that where the necessity ceased, there the privilege ceased also. In the case of Mr. alderman Crosby, what was the language of chief justice De Grey? He argued that such a power was legal because it was necessary. Was it not then strictly justifiable in him to assume the converse of that proposition; namely, that when it is not necessary according to the interpretation of that judge it was not legal? Where, then, was the necessity for putting into practice a disputed privilege for an alledged offence, cognizable by the courts of law? A right hon. gent. on the former night of this discussion, had stated that the powers of that House were not to be circumscribed by the exact and artificial rule of evidence observed in courts of subordinate jurisdiction. The rules upon which he (Sir Samuel) conceived that House were bound to regulate their decisions, were comprehended within no such definition. They were rules above them and all courts whatsoever, by which from the fallibility of human nature all its tribunals should be governed. The being that had the powers to dispense with them was far above us, uninfluenced by the prejudices of human passions, or the wanderings of human reason.

It was often repeated by the gentlemen opposite, that for the exercise of this privilege the precedents upon our Journals were innumerable. He should be glad to know where they were to be found, in order to ascertain the analogy. The first case in which this privilege of committing for libels upon past proceedings, and which the Chancellor of the Exchequer had cited as a precedent during the former debate, took place in the year 1580, against Arthur Hall. It was, indeed, rather extraordinary to refer to such a period for precedents, and not less to fix upon that particular case. One would have thought, that the reigns of the Tudors were not the times best calculated to illustrate the sacred security in which our ancestors had held the privileges of parliament, and the liberties of the people. One would have supposed at least, that those, now so tenacious of the privileges of that House, would be slow in referring to the reign of a monarch who told the House of Commons not to trouble itself with matters of State, and who upon another occasion dispatched a messenger to that House, commanding it not to proceed further in a public transaction, in which it was engaged.

But reverting to the case of Hall—He was not alone sentenced to an imprisonment for six months, but fined 600 marks, and was to undergo a further undefined imprisonment unless he should make such a retractation as suited the taste of his Majesty's Chancellor of the Exchequer, Comptroller of the House-hold, and the two Secretaries of State. If, then, such a proceeding was the precedent for that House to adopt and act upon in the present case, were the hon. gentlemen opposite prepared to act upon the whole case; because, most certainly, if from such authority they drew the right to commit, why not to inflict fines, and demand retractations suited to the taste of his Majesty's ministers, under pain of continued and unlimited imprisonment? If the existence of precedents was all that was wanted, he could refer them to many—to cases where the House of Commons had adjudged persons for a breach of its privileges, to hard labour in jails, to imprisonment for life, and to the case of two men, who were placed upon the same horse, with their faces towards the tail, thus exhibited to the derision and contempt of the populace. Still there was no analogy in the breaches of privilege thus punished and in the case of libel. Indeed, there was the authority of Mr. Hatsell, that from the period of Hall until the time of the Long Parliament, an interval of sixty years, this privilege against libel was not called into practice. And it was most mistaken language to call these cases precedents, in the legal signification in which that term was understood. They were not such—they were the mere exercises of authority, and not the solemn decisions of a judicial tribunal, upon a case fully and temperately argued and decided upon. He knew very well that in the year 1659 in the struggles between that House and the House of Lords, Resolutions of a strong nature were adopted by the former. It was then "Resolved, That to print or publish any books or libels reflecting upon the proceedings of the House of Commons, or of any member thereof, for or relating to his service therein, is a high violation of the rights and privileges of the House of Commons." But surely it was not upon a Resolution of that House they would proceed to invade the liberty of the subject.

The learned gentleman next proceeded to review the modern cases of Crosby and Flower, and contended, that they were no authorities for the present case. In the former there was no publication, and that of course decided nothing. Neither did the refusal of the judges prove any thing in support of such privileges. They refused to interfere because they were ignorant of them. They considered them as described by sir Edward Coke, as those privileges looked after by so many, but which no man could find; and that no judge could discharge an individual charged in execution by another court, and that it was impossible to relieve those who sought their remedy by another law than that by which they were committed. With respect to the case of Flower, the Editor of the Cambridge newspaper, he was committed by the House of Lords, for a libel on an individual of that body (the bishop of Landaff,) and ordered to pay a fine. Was the House in the present case prepared to say, that was an analogous precedent? Would they say that they possessed the right to fine as well as to confine? But the right hon. the Chancellor of the Exchequer had adverted to the opinion of lord Kenyon, when an application was made to the Court of King's Bench, in behalf of Flower, for a Habeas Corpus. That noble lord did then think proper to introduce into the preliminary observations to his decision, that if ever the time should come that any malignant, any factious, any bad man, should wish to overturn the constitution of the country, the first step he would take, he dared to say, would be by attacking the courts of justice, and the privileges of the Houses of Parliament (Loud cries of hear, hear, from the Ministerial benches.)

Would the hon. gentlemen continue their cheering when they learnt that the noble judge thought proper to introduce this observation upon the case of a man committed, not for an attack upon the privileges of any court of justice, or of either House of Parliament, but for a libel upon an individual. Indeed, whoever reviewed those observations of that noble lord, in which he stated his refusal to the application for a Habeas Corpus, could not consider it as the calm, deliberate, sober determination of a learned judge, sitting in judgment upon the personal liberty of a subject. When the following observation, with which he concluded, was fully considered, it was impossible to allow such a precedent to have weight with any unprejudiced tribunal. "Having heard it argued, I am of opinion that the party must be remanded—beyond all doubt, unless we wish to overset all the law of parliament;—unless we chuse to lend our hand to do that most sacrilegious act, to endeavour to overthrow the constitution of the country, this person must be remanded." That could only be considered the language and decision of one member of that body, whose commitment was complained of, and of one judge, for it did so happen, that when the case was argued Mr. justice Lawrence was absent from indisposition, and Mr. justice Le Blanc sat at Nisi Prius, in Guildhall. It was upon these grounds that he (sir S.) entertained such strong doubts of the justifiableness of that privilege, which went to declare as libels all censures upon the past proceedings of that House. There was no man who would deny that that House ought to be under the controul of public opinion. When, therefore, the expression of a popular and constitutional jealousy chanced to wander into libel, the trial of the offence ought to be submitted to those tribunals, where those who were to pronounce the verdict were neither parties nor accusers. So impressed was he with the purity of such doctrine, that he should feel it to be his duty, at no remote day, to move for the liberation of Mr. Jones, without expecting him to present that kind of petition which had been considered usual on such occasions.

It could not, he observed, reasonably be considered as necessary that a person committed should consent to a formal abjuration of the opinion which had given offence, before he was discharged. This was not thought necessary in any civil court, though abjuration might be required in the spiritual courts. Could it reasonably be required that a man should consent to his own humiliation, so far as to acknowledge, for instance, that he had prevaricated? And here he alluded to a case that occurred last session, that of general Clavering, where the person committed had refused to make any such declaration, and that refusal at least, in his opinion, did him honour. Such men might very possibly believe themselves innocent; and whatever the House might induce them to declare, they could not make them alter the opinion. But this was not directly to the present question. Thinking the author of the paper complained of, right in the main proposition, though he confessed that the language appeared to be in some parts intemperate, he could not agree that it deserved any censure at all. Some of the passages he did not well understand, but he could not therefore join in the opinion of the noble lord (Binning) who owned that he did not known their meaning, but still thought they must mean some abuse of the House. If the hon. baronet really thought that an injustice had been committed in imprisoning a British subject, it could not have been expected that he should speak of this with perfect calmness, and there some allowance ought certainly to be made. There was a case, which if it had been that of an individual, he would have cited in the way of an *argumentum ad hominem.* The House of Commons in the case of the Aylesbury election, in a paper of Reasons drawn up by that Committee, agreed to by the House, and sent up to the Lords, had used language much more violent to the House of Lords than any that had been used respecting themselves in the publication now complained of. He read an extract from the paper, which was in substance—"That the House of Commons did not wonder that their lordships, after the encroachments which they had made upon the constitution, now wished to overturn the whole frame of it; that the House found that under the specious pretext of a regard to public freedom, their lordships endeavoured to draw the determination of liberty and property into the bottomless and insatiable gulph of their own privileges, which tended to swallow up the rights of both crown and people." He asked whether there was any thing in the publication now complained of equal to the violence of this language? If a private person had made use of the language he had just quoted, it might have been justly said, that it was not for him to be rash in complaining of intemperate expressions.

He next adverted to the invidious reference which had been made to the past conduct of sir F. Burdett, he not being present to defend himself. Such an irregular proceeding would of itself, in a court of law, be considered, if persevered in, as a contempt. The hon. baronet was to him a total stranger, except in as far as he had observed his public conduct; and therefore it could not be supposed that he was influenced by any other consideration, than a regard to duty in the course which he felt himself bound to pursue. It had been remarked by a right hon. and learned gent. (the Master of the Rolls), that the question had been forced on the House, and the House was bound to decide upon it. This would have been correct if it had been asserted of any of the courts below. They must decide if their opinion was called for. Their rule was *fiat justitia*—they must pronounce whatever might be their opinion of consequences. That House, however, was under no obligation. It was not bound to decide because an individual reading a publication in the morning, which appeared to him very offensive, had brought it in the evening before the House—and he thought this a case on which it would be better not to adopt any proceeding, even if, by a severe construction, it could be contended that privilege had been violated. In matters of authority, as well as in religion, severity against heresy only served to increase the number of its disciples. After the late decision of the House, this was no time to provoke discussions respecting its authority. He did not mean to say that gentlemen had not voted conscientiously on the subject of the Expedition to the Scheldt; but unfortunately in that instance its decision was contrary to the opinion of the nation in general. He asked whether gentlemen themselves were not satisfied that this was the case? The hon. and learned gent. concluded by observing that he would vote for the order of the day.

Mr. *Stephen*, when he heard the able and eloquent speech of his hon. and learned friend, to which he had listened with admiration, if not with conviction, felt that the account he gave of what he stated on a former night was correct, viz. that he doubted whether this was or was not a libel. He gave no decided opinion on that occasion, and there was hardly any thing in what he had just said inconsistent with his manly character. If any thing could have added to the respect he felt for him, it would be the contemplation of the generosity with which he supported the cause of one whom he conceived to be an injured individual, in opposition to what he understood to be the general opinion of the House. But the last topic which his hon. and learned friend had introduced, had better have been omitted, as it tended to provoke disunion, and to prevent the influence of his own argument. Even though it were admitted (which he did not admit) that the decision of the House on the late Inquiry, was contrary to that of the nation in general, it did not therefore follow that the House should abstain from supporting its own privileges. If it were true that the House had fallen into discredit, it was not likely to be raised again, by the admission that a British subject had been unjustly committed with the assent of both sides of the House. His hon. and learned friend was not present at that time; but then he was too well convinced of his love of justice to doubt, that if he had thought the act wrong, he would have taken the earliest opportunity to move that the prisoner should be discharged.

He had listened with the most peculiar attention to the speech of his hon. and learned friend, because he expected to have found in it something precise upon a point which the noble lord near him (lord Ossulston) had left in a very vague state, namely, as to the bounds between what was, and was not a libel. He had endeavoured, but in vain, to ascertain whether his hon. and learned friend did, or did not, think this publication libellous. If he did not consider it a libel, then the greater part of what he had said was relevant; if he did consider it in that light, then the greater portion of his elaborate argument did not apply. His hon. and learned friend meant to say that this was no libel; what he must defend was the assertion, not that the Hosue had no power to commit for censure on their past proceedings, but that it had no power to imprison in any case. The argument was that the House had no right to commit in any case without a trial. The assertion was, not that the House had erred in the exercise of a just right, but it was argued syllogistically, that the House had no right to fine or imprison in any case. His hon. and learned friend, however, admitted, that, in certain cases, the House had the right of committing to prison. His hon. and learned friend had said, that he would move, that Mr. Jones should be discharged. If he could bring the House to agree with him in discharging the prisoner, upon the ground that the House had no right to commit him, then he (Mr. S.) thought that he ought not to stop there, but that he ought to move for an address to the crown, to make some compensation to Mr. Jones for the time he had been imprisoned. He did not however think the House would agree to discharge him on any such ground; but if it should, then he himself should think it his duty to move for an address of this kind.

His hon. and learned friend had next discussed the question. Whether Mr. Jones had been properly committed? Those who argued that his committal was unjustifiable, appeared to him to deny the principle on which the argument in his opinion, must rest. He did not know how to defend the justice of the act, except upon authority, and the custom of parliament. This, however, in his opinion, was the obvious and proper ground; and being borne out by the best authorities and the custom of parliament, he had no hesitation in saying, that the proceeding was completely within the jurisdiction of the House. His hon. and learned friend, however, had rejected authority. He had arraigned lord Kenyon of precipitation in the case of the king and Flower, and had laboured to overturn the authority, upon a ground which had been generally considered as adding strength to an authority, namely, that the Judge had immediately declared the matter to be so clear that it was not necessary to hear it argued at length. He had not been able to find in the pamphlet itself the reasons for setting aside these authorities; but now precipitation in a judge, deciding upon a great constitutional question, in which the liberty of the subject was so materially concerned, was specifically alledged.

Supposing, however, that this objection could have availed, how could his hon. and learned friend get rid of the decision of the Court of Common Pleas? That court had decided in the same way in the case of Crosby, and had expressed its opinion in the strongest and most distinct language.—The Judges stated that they could not take cognizance of the case, as it depended not on the common law, but on the *consuetudo parliamenti*—the custom and law of parliament, of which the Houses of parliament themselves were the sole judges. This case of Crosby, therefore, he contended, was a clear and distinct authority for the steps that had been taken in the cases of Flower and Jones.

The modern authorities appeared to him to have been denied, for no other reason that he saw, except that they were modern. But even the ancient authorities had not been fairly stated. The hon. baronet had in his pamphlet reasoned syllogistically on the remarks of lord Coke, that no court, not of record, had the power of fine and imprisonment. Now lord Coke applied this only to the ordinary courts, as evidently appeared from his Fourth Institute, wherein he stated, that the judges were not to take cognizance of the decisions of parliament, which were governed not by the common law but by the custom of parliament. And in another part of the same Institute he said, that the House of Commons had the power of Judicature, and he cited cases from the time of Elizabeth, to prove this.

But then his hon. and learned friend had maintained, that little weight could be allowed to authorities taken from times when the House was treated with no great respect by the sovereign. The argument would have been good for something, if this question had related to the prerogative of the crown. But it was nothing with reference to the subject now under consideration—the power of parliament in defending its own privileges. The inference, therefore, was rather in favour of his view of the subject. The power was so clearly understood, too, that the House had exercised it, even at a time when it was so narrowly watched by the crown. His hon. and learned friend had still relied on the case of Mr. Hall, cited by lord Coke; and contended that the additions there to the punishment of imprisonment rendered it of no avail as a precedent. But it did not follow, because there were other circumstances connected with the exercise of the authority of the House in that case, that the House had no power to commit at all. Mr. Stephen then mentioned another of the cases, where a man was committed for assaulting a member of the House. All these were cited by lord Coke, to shew that the House had the power which the hon. baronet had denied.

As to the inference deduced from this

not being a court of record, Mr. Stephen expressed his surprise that of all men lord Coke should have been cited in support of that argument—when it might have been found by an examination of Hatsell's Precedents, that lord Coke had wished that the tongue might cleave to the roof of his mouth who said that this House was not a court of record, or that it had not the power of judicature. It unquestionably had that power, according to the authority of lord Coke, in certain cases. Now, it was not fair, to publish partial citations so as to make the public imagine that so great an authority as lord Coke was in favour of those who argued that the House had no power to imprison. The modern decisions, he believed were admitted to be on his side. He understood his learned friend to have said, that the courts below did not commit for libels as contempt. To disprove this, Mr. Stephen cited Blackstone, who stated that the courts had the power of summary committal generally for any attack on the past conduct of the judges in the discharge of their duties. This would have been a strong authority in his favour as far as analogy went, even if no precedents had existed.

Mr. Stephen expressed his astonishment that those, who were peculiarly attached to the democratical part of our constitution, should be willing to allow this House to be trampled upon, or to go begging for protection to the courts of law, connected as its privileges were with the support of that constitution. He had not heard this question met at all upon its real principles and true merits. If the House must go to the courts of law for the protection of its privileges, then the judges appointed by the crown would be the arbiters of these privileges; for, though not now removable at the pleasure of the crown, the judges were still appointed by it. They, however, would no doubt act with impartiality; but then an appeal would lie to the House of Lords, and then the privileges of that House would depend upon the other House of parliament. With respect to the decision on the Inquiry into the policy and conduct of the Expediton, he did not think the public in general differed from the House. The public had discovered by the Inquiry, that their previous opinions with respect to the commander, had been founded in delusion and calumny. They had perceived that their first impressions were erroneous, when they found the commander completely exculpated by one of the Resolutions proposed by the gentlemen on the other side. Nor would the public now think that they were wrong in supporting those principles which had been sanctioned in the best of times, and which had been found necessary in order to enable the House to protect the liberties of the subject. If the millers of Isleworth were to send representatives to that House, who would agree to give up the power of imprisonment, the House would have no authority to compel the attendance of witnesses, or to force them to give evidence;—Sandon and Clavering would have escaped, and the most important functions of the House would be at a stand. He called therefore, upon even those who might think that the House laboured at present under public disapprobation, to support its privileges in the hope of better times in future. His hon. and learned friend had said, that he knew nothing of the hon. baronet, except in his public capacity and by his public conduct. He (Mr. Stephen) was also subject to that disadvantage. But could any member have in this case any other feeling, than that of a regard to duty? If they had any particular sympathy, it must be with the party accused. He was a member of the House, and it might be his own fate to incur its displeasure. As to the argument, that the members were judges in their own cause, he would ask his hon. and learned friend, whether he was not in the habit of applying to the court of chancery for committal for contempt, in cases where the contempt was so very oblique as that of marrying a ward of chancery? In cases of commitment by one court, no other would interfere; and though he was hardly called upon to meet an extreme case, he would say, that even supposing the House did commit for alledging that bank-notes were depreciated, no other court would interfere, if it was stated in the warrant that the commitment was for a contempt, as this would be taking upon itself to decide upon the privileges of one of the Houses of parliament.

Mr. Stephen then proceeded to observe, upon the unfair treatment which he thought the hon. gentleman who brought forward this business had met with from the gentlemen opposite. It had first been laid to his charge, that he had been guilty of the offence of consulting with the minister. When the hon. gentleman denied this, then the charge was turned upon the seconder; and when he, too, denied it, then the hon. gent. was arraigned for not having consulted persons of experience before he brought a matter of such importance to the notice of the House. The affair, however, was now before them, and they must proceed upon it, however inconvenient that might be. They could not pass it over without exposing themselves to be trampled upon and despised altogether in future. He recollected a story which he had heard abroad applicable to their present situation. A person of the name of Murphy, who, to distinguish him from another of the same name, was called Irish Murphy, had suffered himself to be most unmercifully beaten by one of inferior strength without resistance. A man met him the next day with his arm in a sling; his eyes black and blue; his teeth knocked out of their places, &c. &c.; and said (though, by the bye, there was some doubt, whether he was an Irishman), "Why, you are a disgrace to your country. You are the first coward that ever came from Ireland." The bruised man replied, "My dear creature, I wish to take the world aisy." Now, this was a wrong application of a correct principle, for the man was much more severely beaten than he would have been if he had defended himself to the utmost of his power. The House, by passing this breach of its privileges over, would be in a worse situation than it could be reduced to by taking steps for its own defence.—Mr. Stephen then denied that Magna Charta was disregarded by those who contended for this power in the House, because it did not apply to cases of contempt. The House, he asserted, was acting with lenity, because the publication had found its way into various newspapers, and was industriously circulated. Several further complaints might therefore have been made on the same ground as the present. This view of the matter, then, was, that this was an unfortunate occurrence, but one upon which they could not help coming to a vote. What proved the necessity of this, if other proofs had been wanting, was the fact, that it had been argued that very night—that the House had not the power, because it had not exercised it in its full extent, in the case of Wilkes. If then the House should consent to pass over this affair to-night, they might justly be considered as having renounced the whole power of commitment in future.

Mr. *Adam* rose and spoke as follows:

Mr. Speaker; it was my anxious wish, that full time should be given for the consideration of this most important question, and I strenuously supported the adjournment which has taken place in order that our minds might come to this discussion with the most perfect coolness, and after full deliberation I have devoted myself during the interval, to the investigation of the subject, with all the attention I am capable of bestowing, both as to the general question of privilege, and as to the particular case before us; and with every sentiment of respect for the talents and knowledge of my learned friend (Sir Samuel Romilly,) who spoke last but one, I am compelled to say, that if the doctrines which he has promulgated, are to prevail, there is, in my opinion, at once an end of the privileges of this House, an end of its authority, and, with that, an end of the free constitution of this country, which has been obtained and preserved by the exertion of those privileges. My learned friend has referred to the course of proceeding respecting privilege, during the reigns of the house of Tudor; and has justly reprobated that period as one of constitutional authority. But, sir, the very contemplation of that period sets the character and privileges of this House in the most conspicuous light. After an era of prolonged and despotic usurpation under the Tudor race, when the princes of the House of Stewart, when James 1. and Charles 1. attempted to continue the tyranny which had characterized the preceding reigns, the efforts of the House of Commons (the champions of the liberties of the people,) armed with nothing but its privileges, their sole but sure means for protecting the constitution; wielding them by the advice of the great and enlightened patriots of that period, beat down the tyranny of the Stewarts, and, in defiance of the crown, established the liberty of England. Then it was that sir Edward Coke, Mr. Pym, Mr. St. John, Mr. Selden, and the other great men of that period, skilled equally in the law of parliament, and in the common law of the country, but never confounding them, directed this House to those great ends. In that period, the House of Commons fought its way through every difficulty, and forced the monarch to yield to the inalienable rights of the people. Those efforts, it is true, were followed by the effusion of much human blood, and the establishment of the most cruel despotism—events deplored, even in contemplation, by all good men; but it never occurred till now (when it is introduced, to start doubts, as to the use and existence of those important privileges, which before the usurpation of Cromwell had accomplished objects of such magnitude,) that those grievous calamities formed an argument against the constitutional privileges of this House. Afterwards, when the restoration took place, without a single stipulation being made with the sovereign in favour of the subject, at "that æra of good laws and bad government,"* when the usurpation and tyranny of Charles 2. and James 2. were to be encountered, the House of Commons again, without any additional weapons, with no means but its privileges to counteract the despotic character of the Monarchs, the corruption of ministers, and the venality of judges, vindicated the liberties of the people, and compelled James 2. to abdicate his throne. And these privileges, these grand and efficacious safeguards of freedom, which have accomplished such ends, are what we are now called upon to give up as tyrannical and usurped, and as inconsistent with the liberty of the people—those privileges which we hold, and have always held, not for ourselves, but for the benefit of those we represent.

Surely, sir, when these things are brought back to the memory of the House and the public, it never can be maintained with any colour of reason, that, because in a recent and solitary instance,† the power has been exercised without discretion, it is to be denied or abrogated. The House of Commons is a supreme power, and it is a necessary ingredient in the constitution of every supreme power--it is essential to every supreme court of justice, to maintain its independenee, protect its character, and secure efficacy to its acts and authority, that it should have the innate power of punishing contempts by commitment. It arises from the necessity of the case, and it is so imperative in its nature, that even those who argue against the power in case of libel, are forced to admit it in cases of obstruction.

My learned friend (sir S. Romilly,) indeed does not find it possible to limit contempts (after the manner of the modern assailers of our privileges) to mere obstruction; he therefore takes another view of the subject, quite distinct from that which forms the basis of the argument of Sir Francis Burdett. But I confess, I am as little satisfied with the principle which my learned friend espouses, as I am with the doctrine of obstruction; and as my learned friend, in maintaining his principle, has found it necessary to attack the resolutions of the House of Commons, and has denied their authority, I am compelled to consider his argument as utterly destructive of the best rights and privileges of this House—rights and privileges, which have been asserted by its acts, and which stand recorded in its resolutions; to deny which, is to deny the very existence of our most important powers, and to annihilate our independence as a separate and supreme branch of the legislature. This most alarming doctrine, I trust, in the course of what I have to offer to the House, I shall be able to refute.

My learned friend argues, that the case in question is no violation of the privilege of this House, by showing that the case of Gale Jones was not a breach of our privileges; and to establish that, I understand him to take this distinction, that it related to matter that was past, and not to matter depending; contending that a libel upon that which is past and over, is not cognizable as a contempt; but admitting that a libel on existing proceedings is a contempt, and may in any court be punished by attachment and imprisonment. Sir, I must positively and distinctly deny the soundness of this doctrine; I deny it as applicable to courts of justice, I deny it, if possible, still more distinctly and emphatically, as applicable to the privileges of the High Court of Parliament, as applicable to the privileges of this House, a branch or member of that High Court of Parliament, an independent branch of the legislature, a supreme authority in the state and constitution..

Shall it be recognised as a principle, that you can only treat as a breach of privilege, an attack upon a matter under deliberation, but that reviling the House for matter that is past, degrading its authority by abuse and defamation, as to the acts that are gone by, and thus bringing it into contempt and hatred, shall not be considered as a breach of privilege examinable and punishable by the House: but that such an offence must go to another tribunal, and, assuming the distinct character of misdemeanour, as distinguished from contempt, be triable at law only? I contend, Sir, on the contrary, to use a common and perhaps vulgar expression, that this destruction of the character of the House by wholesale;—that those attacks upon the House, or upon its members, in the discharge of their parliamentary functions, tending to degrade them in the eyes of the people, and to frighten them from the discharge of their duty by calumnies upon their past conduct; is a breach of privilege punishable as such by the House, and that the House is not driven to bring the matter before the common tribunals of the country, unless it prefers that course of proceeding; an option, which I shall shew hereafter, in general to be most unfit and injurious to the privileges of this House, and of course to the interests of the people.

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* Mr. Fox's History, page 20.

† The commitment of Gale Jones.

Sir, among other doubts expressed as to the existence of the privileges of this House, a doubt is started, founded on the mode in which the House formerly acted in respect to the punishments which it inflicted for breach of privilege; but surely the nature of the punishment can never be used as an argument against the existence of the right to punish. Time, circumstances, and a course of proceeding in one way, will be justly held to circumscribe and regulate the punishment: but the existence of the punishment in any shape, establishes the existence of the privilege. As to the origin of the privilege, on which likewise doubts are started with a view to prove it an innovation; it stands upon the same foundation with all our general rights, civil and political: on that principle, which is held to be the clear unerring foundation of our law, namely, that we find it in full observance for ages, and that we do not find the period when it commenced. The doctrine, however, which is chiefly relied on, not by my learned friend, but by those who deny that libel on the House of Commons, or its members, is a breach of privilege, and restrict all contempts to the mere right and privilege to remove an obstruction; those who maintain this argument say, that the authority of this House, like that of the constable of the night, rests upon the right which must exist in every case in which a legal act is to be done; namely, that it is legal to remove any obstruction which may be placed in the way of those who are to do the act; that this House, if impeded in its deliberations by obstruction; that its members, if stopped in their approach to the House, or in the exercise of their function, have a right to punish such obstruction as a contempt. Thus, Sir, the privileges of this House, of this supreme branch of the legislature, of this grand inquest of the nation; the effect of whose acts, the validity and character of whose functions, are to be salutary and useful, according as they are respected or disgraced, are to be put on the footing of the obstruction given to the constable of the night, who in the performance of his watch sends any drunken person to the watch-house, who may impede him in his rounds.

Is it possible, that any thing but the most determined resolution to degrade and vilify the House of Commons, to destroy the privileges which it enjoys for the protection of the people, and which in their exercise have achieved objects of such magnitude and importance, should be compared to the constable of the night? Would a right and authority thus restricted and debased, serve the purpose of maintaining the dignity and efficacy of any Court? And can it be borne for one moment, to have it said, that the High Court of Parliament, that this branch of it, the representatives of the people, the popular part of the constitution, which is now falsely held up as inferior to the other branches of the legislature, can only defend itself against an inroad of physical force; but that it has not the means, by its own intrinsic authority, by its original and inherent constitution, to punish those who shall set up a moral obstruction to its authority, and shall destroy the efficacy of all its functions, by libellous attack and defamation?

My learned friend says, that this is not a time for agitating questions of this nature, when the nation has been told by the House of Commons, that the Expedition to Walcheren had been wisely planned, and ably executed.—Sir, no Member of this House regrets more than I regret, the decision which the House came to on that subject. I can never sufficiently deplore the effect of that vote. No man who hears me is more conscientiously convinced than I am, that the conduct of ministers on that occasion has been most ruinous and culpable; and that their continuing to discharge the duties of government, is utter destruction to the country.—But, when the privileges of the House of Commons are questioned, when there is an attempt made to beat them down, and destroy them, I must forget the conduct of the House on the particular occasion; I must even pass by the imprudence which has brought the question into discussion, in the particular instance, and I must maintain the constitution of parliament, in the anxious hope, that, if its rights are asserted, it will act hereafter with more wisdom; and to this determination I am led by the absolute certainty, that, if the House is deprived of its privileges, if its means of defence and attack upon those who are enemies to its dignity and existence, are taken away, it can never again act with effect.

Surely, Sir, it is a most unwarrantable conclusion to deny its privileges at large, because you disapprove of its conduct in particular instances.

I proceed now, Sir, to state to the House what I consider to be the question immediately under consideration. It is most material that it should be understood with precision, because much of the argument against it is founded on misrepresenting it. What I contend for is, that a libel upon the House of Commons collectively, or against any of its members, discharging their duty in Parliament, is a breach of the privileges of this House; and that the House has the power to punish such breach of privilege by such imprisonment as it is the usage of the House to inflict; namely, by imprisonment during its pleasure, whilst the session lasts; but not for a time certain. I maintain, that such is the privilege and power of this House, and that the argument of sir F. Burdett on the subject, is, from beginning to end, erroneous.

The next consideration before us, is, whether his address and argument be not libellous as well as erroneous. And lastly, we must decide in what manner he ought to be proceeded against, if it is libellous.

Before I enter upon the argument, which rests on the deep and solid foundation of reason, authority, and precedent, I wish the House and the public thoroughly to understand, not only what I contend for, as I have just stated; but what I do not contend for; because much of the art of those who are enemies to our privileges, consists in misrepresenting and in misstating the question. First, I do not contend for the privilege of punishing, as a contempt, libel generally against the state, or government of the country. This I think it necessary to remark distinctly, because by the cases to which we are referred, in the argument of sir F. Burdett, it will be found, when examined, that they are not cases of libel against the House, or its members: but cases of general libel against the government. Secondly, I do not contend for the privilege of imprisoning for a time certain; but only for the power of commitment for the period of the session, or during the pleasure of the House, short of the session. Thirdly, I do not contend for the right of imposing a fine. Such is the moderate nature of the privilege asserted: and yet by the most unaccountable perverseness, the very moderation of the usage is brought as an argument against the power.*

Sir, I beg to have it distinctly understood, that I do not dispute the propriety of free discussion by the people, of the proceedings of parliament; and that I am farther clearly of opinion, that the privileges of the House may be discussed with freedom, if they are discussed with decency; but that it cannot be permitted to discuss either so as to degrade and vilify the House of Commons; but that a discussion in that temper is a libel on the House of Commons, destroying its functions, disabling it from the exercise of its privileges, powers, and authority, in support of the liberties of the people; and that whoever discusses it in that spirit, is guilty of a breach of privilege, and liable to be proceeded against for such libel by the House, punishing such person according to the custom of this House, which is part of the law of the land.

The learned gent. who spoke last, (Mr. Stephen) has cited many of the authorities; particularly some of those from parts of lord Coke's Fourth Institute, written professedly on this subject of parliament, to which I should have called the attention of the House in detail. I shall now, as they have been so recently read to you, chiefly allude to them, requesting that you will always bear in mind, that lord Coke was the highest authority on this subject that can be referred to; having united to the most profound knowledge of the common law of the country, the most profound knowledge of the law and custom of parliament, and having shewn himself a most authoritative and most active member of this House, at a time when the privileges of this House were, as I have already said, the means of curbing the attempts of the Prince against the liberties of the people.

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* See sir F. Burdett's Argument, at p. 438.

Lord Coke, in his Fourth Institute, page 15, says, "every court of Justice hath laws and customs for its direction, some by the common law, some by the civil law and canon law, some by particular laws and customs; so the high court of parliament *suis propriis legibus et consuetudinibus subsistit.*

"It is *lex et consuetudo parliamenti,* that all weighty matters in parliament moved concerning the Peers of the realm or commons in parliament assembled, ought to be determined, adjudged, and discussed, by the course of the parliament, and not by the civil law, nor yet by the common laws of this realm, used in more inferior courts; which was so declared to be, *secundum legem et consuetudinem parliamenti,* concerning the Peers of the realm, by the King and all the lords, spiritual and temporal; and the like, *pari ratione,* is for the Commons, for any thing moved or done in the House of Commons; and the rather, for that, by another law and custom of parliament, the King cannot take notice of any thing said or done in the House of Commons, but by the report of the House of Commons. And every member of the parliament hath a judicial place, and can be no witness. And this is the reason that Judges ought not to give any opinion of a matter of parliament; because it is not to be decided by the common laws—but *secundum legem et consuetudinem parliamenti;* and so the judges in divers parliaments have confessed. And some hold, that every offence committed in any court, punishable by that court, must be punished (proceeding criminally) in the same court, or in some higher, and not in any inferior court, and the court of parliament hath no higher."

The doctrine thus taught by lord Coke, rests upon this incontrovertible maxim;—that every supreme body in a state must, from necessity, have such a power, that it may be able to perform its functions, not actually only, but with effect. It follows, therefore, that it must have the power of punishing libels upon its character and conduct generally, by its own innate vigour and authority, without being compelled to have recourse to another tribunal to judge and determine on such matter: that such a privilege is essential to a supreme power in a state; that it can alone judge with accuracy of the contempt: that other tribunals being ignorant of the facts, and unacquainted with the effect which it produces, are unable duly to apportion the punishment: that such authority is not only inherent in the Houses of parliament, but belongs to every supreme court of justice: punishment of contempt by the court, by attachment, being as much a part of the law of the land, as the trial by jury.

God forbid, Sir, that any thing should interfere with or infringe that sacred right, the trial by jury; but if courts could not protect themselves from contempt by attachment, this other grand protection for the civil liberty and lives of the people would be but of short duration. And if this power has been for ages acted upon, as essential to the supreme courts of judicature, surely the same principle will equally extend it to this House, a supreme branch of the legislature—the grand inquisitor of the nation, which has to defend itself against the encroachments of the crown on the one hand, and the injudicious or ill-intentioned attacks of individuals among the people, on the other. I assert, therefore, that nothing can defeat such a privilege, but clear manifest proof of its abandonment or abrogation; shewing, that instead of extending to the cases in question, it has been limited and reduced to the miserable and inefficacious power of punishing acts of mere obstruction, which do no injury to our proceedings by affecting our character; but only stop for a time, the progress of our measures, or for a time prevent individuals from taking a share in them.

Sir, the doctrine contended for by those who would narrow our privileges is not only directly adverse to the principles which have been referred to, in lord Coke; but is overset, by the equally sound doctrine of more modern times, upon the subject of contempt and attachment, as it prevails in the courts of law.

My learned friend (Mr. Stephen) has referred to a passage in Blackstone's commentaries, to which I beg to call your attention again, and more at large. It is of the highest importance in the consideration of this question, and it is expressed with all the perspicuity and eloquence which distinguish the author of that great work.

The whole passage is well worth studying, but it is unnecessary to trouble the House with more than what I am about to state.—Volume 4th, p. 280, Blackstone says, "To this head of summary proceedings may also be referred the method immemorially used by the superior courts of justice, of punishing contempts by attachment. The contempts that are thus punished, are either direct, which openly insult the court, or the persons of the judges who preside there, or consequential, which (without such gross insolence, or direct opposition) tend to create an universal disregard of their authority." He then states different heads of contempt; and in p. 282, he proceeds thus: "By speaking or *writing* contemptuously of the court or judges, acting in their judicial capacity; printing false accounts (or even true ones, without proper permission) of causes then depending in judgment; and any thing, in short, that demonstrates a gross want of that regard and respect, which, when once courts of justice are deprived of, their authority (so necessary for the good order of the kingdom) is entirely lost among the people."

The process of attachment for these and the like contempts, must necessarily be as ancient as the laws themselves: for laws, without competent authority to secure their administration from disobedience and contempt, would be vain and nugatory.—A power, therefore, in the supreme courts of justice to suppress such contempts, by an immediate attachment of the offender, results from the first principles of judicial establishments, and must be an inseparable attendance upon every *superior tribunal*. Accordingly, we find it actually exercised as early as the annals of our law extend."

Mutato nomine, every word is applicable to the House of Commons. Nor is this doctrine so truly stated and so well enforced, as necessary to the existence and efficacy of the judicial establishments, restricted to that which is actually proceeding; but necessarily includes what is past. Nor does it place the privileges of a supreme body upon the degrading footing of the power necessary for the constable of the night, or of an individual removing a nuisance *.

After duly considering this deliberate authority applied to courts of law—surely it cannot with truth be said, that the most atrocious libel on the character and proceedings of this House—disabling the representatives of the country to resist the crown, or benefit the people, is to be sent for trial to another tribunal, and cannot be dealt with by the House, which it vilifies? Such doctrine is equally degrading, injurious, and erroneous.

Sir, if authorities are attended to, if the case is considered in all its aspects, with care and gravity, it will be found, that all the sources from which the principles which must govern in questions of this sort, are to be collected, unite in establishing to the most perfect and unanswerable satisfaction that the privilege exists in the manner in which I contend for it.

This privilege, such as I have defined, it, rests upon the reason of the thing, on which I have already so much enlarged, and which I have maintained and illustrated from the authority of lord Coke and sir W. Blackstone, and is farther enforced and proved; first, from the clear and uniform usage of Parliament; secondly, from the decisions of courts of justice, upon the very question of our privileges, when incidentally forced upon them; and lastly, from what are, and may be deemed, text authorities on the subject. I shall take these in their order.

But, Sir, before I enter upon the proof of this privilege, from the practice and resolutions of the House of Commons, I cannot help again calling the attention of the House to the serious, and (I hope he will pardon me for adding) the dangerous tendency of the doctrine of my learned friend (sir S. Romilly) who has contended, that we are not to look to our Resolutions as constituting the law of parliament. Sir, if this be the case, I ask, on what do our best and most important rights and interests, and, in our persons, the rights and interests of the people (it is for their sake that these rights are vested in us), depend? How have we attained, but by our resolutions, and by acting upon them with the approbation and acquiescence of the public, the privileges on which our very existence as an independent body rests? Is it forgotten that there was a time when our right to try the elections of members returned to this House, was contended by the crown, and ministers of the crown, to reside in the King's courts, and that the keeper of the great seal (that officer of the King, whose existence in his situation depends upon the pleasure of the King) asserted the right of his own authority to issue the writs to fill vacancies! We all know, that, in the reign of James the first, those rights were insisted on; and how were they resisted, but by the Resolutions of this House? Again, in the reign of Charles the 2nd, when the lord chancellor Shaftesbury, to aid the despotic views of that prince, attempted to draw to himself the filling vacancies, and trying rights to seats in the House of Commons, what checked the attempt, but the resolutions of this House? What has placed upon a rock the exclusive right to try the elections of members returned to the House of Commons, and to issue writs to fill vacancies, but the resolutions of this House, enforced by the practice of this House? And I ask, if this privilege had not been successfully enforced, where would have been the independence of this House? How could it have achieved the great measures for the liberty of the people, which it has so often successfully accomplished, if the right to sit here had been judged by another tribunal, and placed under the cognizance of judges who held their situations at the will of the King; and who, by the influence of the crown, declared, in defiance of the law and constitution, that the King might imprison members of this House, for speeches spoken, and acts done, in asserting its privileges*? And shall it be said, that if this great and vital privilege, this barrier to royal encroachment on our right of election, and on our vacant seats, has been attained by the resolutions of the House, that they do not make the law of the House and of the kingdom? and shall not such acts, thus constituting the law and the rule of parliament, binding other authorities, and uniting other powers, controlling the writs of the crown itself, with all the solemnities and authority belonging to it, be sufficient to give effect to such privileges as are now under consideration?

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* See Sir F. Burdett's Argument, at p. 438.

Upon the privilege now under discussion, it so happens, that the course of our proceeding has been uniform and invariable in favour of the privilege, as I contend for it; and that it is not only sustained by resolutions, but by regular undisputed acts, immediately succeeding the revolution; at a time when the great and able men, who accomplished that great work, were living and acting as members of parliament. The very question now before us, namely, whether a libel on the conduct of this House be a breach of its privileges, came before them. It arose from the Kentish petition, which was presented to the House in 1701 †. The authors of that petition were first committed to Newgate, and their commitment afterwards changed from Newgate, to the custody of the Serjeant at Arms, to render their confinement more close and exclusive. Upon that occasion, it is necessary to remark (because a noble lord who sits behind me, has represented this case, as if it were one which was connected with, and polluted by a question of election), that Mr. Colpepper, one of the persons concerned in the Kentish petition, had a question before the House, respecting his election for the borough of Maidstone. Now, sir, it appears by the proceedings of this House, that the consideration of the matter of privilege was adjourned until the matter of election should be decided *. And after several adjournments and much deliberation, after a motion by lord Hartington, on which a resolution was founded to consider at the same time, the rights and privileges of the people, the Chairman of the Committee reported, on February 26, 1701, "That they had come to several resolutions, which they had directed him to report, when the House should please to receive the same." A question then arose, whether the report should be postponed till the Saturday following, or received immediately: upon that, it is material to observe, that a division took place, and that it was carried, to report immediately: that sir Robert Walpole, then Mr. Walpole, was a teller for the majority, and in favour of an immediate report, which marks, that those who sustained the principles of the Revolution, were clearly and decidedly in favour of the resolutions, and that they considered them to be declaratory of the law and the privilege on this subject; and thus the only impediment, namely, the decision on the Maidstone election, being removed, the resolutions were reported and agreed to by the House. It was accordingly resolved,

First, "That it is the opinion of this Committee, that to assert that the House of Commons is not the only representatives of the Commons of England, tends to the subversion of the rights and privileges of the House of Commons, and the fundamental constitution of the government of this kingdom."—This refers to the libel.

Secondly, "That it is the opinion of this Committee, that to assert that the House of Commons have no power of commitment, but of their own members, tends to the subversion of the constitution of the House of Commons."

Thirdly, "That it is the opinion of this Committee, that to print or publish any books or libels, reflecting on the proceedings of the House of Commons, or any member thereof, for or relating to his service therein, is a violation of the rights and privileges of the House of Commons."

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* The case of Coke, Pym, Philips, Selden, and Malory.

† See 5 Cobb. Parl. Hist. 1250.

* See Journals, Feb. 7, 1701.

Then follow Resolutions respecting the people's right of petitioning, &c. with which it is not necessary on this question to trouble the House.

Will any one doubt, after reading these Resolutions, passed when the principles of the Revolution were best understood, when the circumstance of sir Robert Walpole being teller in the division for an immediate report, proves that the supporters of the Revolution were the foremost to promote a vote, which considered a libel on the House to be a breach of its privileges; and that to say you had no power to commit the libeller, was a subversion of the constitution; that such is the law of parliament? Can the case stand on more correct or more constitutional ground? This, Sir, is the privilege for which I contend; this is the privilege which I assert was declared by those resolutions, to be clear and undoubted, resting on those high authorities. An attempt indeed is made in the Argument of sir Francis Burdett, to ascribe a contrary opinion to sir Robert Walpole at a subsequent period; but it will be seen when I come to that part of the question, that the statement there made of the opinion of sir Robert Walpole is either founded in the most complete mis-apprehension, or is a wilful misrepresentation.

I have now, Sir, laid before the House the law of privilege, as declared in the Resolutions of the House, which, I must again assert, constitutes the law of the land on this subject. Sir, it will next be seen, that this law has been acted upon uniformly and invaribly; and is confirmed by constant, repeated, and uncontradicted usage.

To establish this position, I wish to call the attention of the House to a comparatively recent period, to a most important precedent; one which made a deep impression on my mind from various causes, and particularly from having occurred a very few months before I had the honour of a seat in this House; a period when, though very young, my attention had been much directed to subjects of this description. All the circumstances of this case, both as they appear in the Journals, and are connected with the history of the times, are most material.

Sir Fletcher Norton, your predecessor, Sir, was libelled in the session of 1774, in a letter, printed in the Public Advertiser, for the conduct which he was said to have held in respect to a private bill. Observe, Sir, it was an act past and over. The matter was stated by sir Fletcher Norton to the House, and he called on those concerned, both in supporting and opposing the bill, to speak to his conduct regarding the bill. Several Members, among them Mr. Alderman Sawbridge, stated his conduct to have been correct, and that it was grossly misrepresented in the letter which had been inserted in the newspaper.

The printer of the newspaper, Mr. Woodfall, was then ordered to attend, and a question arose, whether he should be committed to the Sergeant at Arms; to the Gatehouse; or to Newgate.

Lord North contended for the first; Mr. Fox for the last. In the course of this proceeding, Mr. Woodfall, the printer, informed the House, that he had inserted the letter without knowing its tendency; and that it was brought to him for insertion by the Rev. Mr. John Horne.

It was then proposed that the matter should be adjourned, and Mr. Horne ordered to the bar. During these proceedings, no person suggested an idea of the illegality of the measure. It was neither intimated that a libel on the speaker in the discharge of his duty was not a breach of privilege, nor that imprisonment was an illegal punishment for it.

Some delay took place in the further proceeding, owing to Mr. Horne evading the warrant for attendance, by saying to the messenger who served it, that he could not be the person meant; but he was afterwards brought to the bar.

He was told by the speaker, that Mr. Woodfall had given him up as the author of the letter, and asked whether he was so. He asked, whether what Mr. Woodfall had stated was to be considered as matter of evidence, or matter of charge. He was told, matter of charge. On receiving that information, he said, "Then Sir, I plead that I am not guilty." On his putting in this plea, he was ordered to withdraw. Sir, I am particularly anxious that this should be attended to, as most material, not only in this, but in a subsequent and most important part of this case. The solicitor general, Mr. Wedderburn*, stated that he knew too well the principles of the law of England, to insist for a moment that Mr. Horne should be found guilty on the evidence of Mr. Woodfall, who, by throwing it on Mr. Horne, acquitted himself; it was therefore proposed to adjourn the consideration of the question, in order to the evidence of some of Mr. Woodfall's servants being laid before the House, who were stated to be able to prove the fact against Mr. Horne.

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* Afterwards lord Loughborough and earl of Rosslyn.

Upon this, a most acrimonious debate took place, in which the ministers were charged with an intention to procure evidence for the purpose. But, what is most remarkable and most important; during this acrimonious discussion, in which Mr. Dodswell, Mr. Burke, Alderman Townshend, Mr. Barré, and others spoke, not one word was uttered, denying or questioning that such a libel was a breach of privilege, or that imprisonment was an illegal punishment; and Mr. Horne Tooke, whose interest it was to have denied the jurisdiction—to have disputed the power to punish by imprisonment (whatever he may have whispered or inculcated now), raised no such question then, though it would have been decisive to his acquittal. On the contrary, he put in the plea of not guilty, which, if the fact had been proved against him, must have been followed by imprisonment.

Now, Sir, I ask, whether this transaction does not shew most incontestably, that that law, which was resolved in 1701, was acted upon as undisputed in 1774; that the House in this latter period, filled with men of the highest authority on all questions of Parliamentary law, many of them having a direct interest (if party were to bias opinion on such questions) to dispute the privilege if it had been disputable, never questioned the privilege or the punishment. At that time, sir George Saville, Mr. Burke, Mr. Dunning, lord George Cavendish, Mr. Frederick Montague, lord North, Mr. Fox, Mr. Thurlow, Mr. Wedderburn, Mr. Welbore Ellis, and I think Mr. Dyson (a great authority, and who had not then retired from parliament,) were all members of this House. From none of them did a whisper against the privilege arise. At that time, Mr. Hatsell, whose principles on constitutional questions are well known, and a gentleman (Mr. Ley) whom I now see, and whose knowledge and judgment I highly value, were here to be consulted; and allow me to say, that from that quarter of the House, not the least important in questions of this sort, no doubt seems to have arisen. Shall it be said then, that when, in a House of Commons so rich in parliamentary learning, no doubt was raised, one shall prevail now, flowing, I will venture to say, from no such sources? No, Sir; it was reserved for the present times, thus contumaciously and libellously to dispute these privileges and powers.

The interval between the year 1701 and 1774 might be easily filled up with instances, proving the rule to be as I have stated it, acted upon by the House, submitted to by the offending party, and sanctioned by an approving and acquiescing public. But, Sir, considering the time I have consumed, and the great attention with which I have been honoured, I should deem it a most unwarrantable trespass, if I was now to go through a bead-roll of precedents, to shew the uniformity of that practice. No, Sir, I place the case here; I say, there is the law announced at the beginning of the century in 1701. Here it is acted upon near the close of it, in 1774; and I defy any person to shew me an exception during the interval, or a successful attempt to question it, until the daring and calumnious effort now under consideration.

Sir, it is further worthy of observation, that uniform as the practice has been, clear as the right is, unquestionable as the character of a supreme tribunal is by any regular human authority; this power has seldom, if ever, been the instrument of unnecessary severity. It has been generally exercised with becoming discretion; and its having deviated in the instance which has given rise to this discussion as to the commitment of Mr. Gale Jones, can be no ground for doubt as to its existence; the difference being very wide between the denial of the right, and questioning the prudence of its exercise in the particular instance.

Sir, the authority of parliamentary precedents is confirmed by the uniform course of the courts of law, when these questions have been incidentally before them. And I think, in considering this part of the case, I shall be able to shew, that even lord Holt's conduct and doctrine in the case of Ashby and White, does not form an exception to the general rule. It would be a very tedious, and not a very useful effort, to go through the detail of that great case. It is well known, that the question arose from the House of Commons having considered the proceeding of the court of King's-bench, in trying an action brought by a voter of Aylesbury, against the returning officer of that place, for refusing to admit his vote at an election. Lord Holt, the chief justice of the court, contended, that the court must entertain the action, and that the House of Commons had no privilege to stop it; the House, on the contrary, considering the trying that question as, in a manner, inferring the right to try the election of its members; and therefore a violation of the privileges of the House. The matter was carried by Writ of Error to the House of Lords. The utmost heat prevailed upon the subject between the two Houses; the details are unnecessary. It was tending to the extremity, to which all disputes between supreme powers must lead, if they entertain different and opposite views of the discretion which they have to exercise; when it was stopped by a dissolution of the parliament. But during the contest, the persons who brought the actions were committed by the House of Commons for breach of privilege. The persons committed, applied to the court of Kings-bench, to be released on Habeas Corpus. The three puisne judges, who had differed from lord Holt throughout, were of opinion, that they could not discharge the parties, considering, that to interfere with a commitment by the House of Commons, was to interfere with the privileges of the House. Lord Holt differed, not because he thought the House of Commons could not commit for breach of privilege; on the contrary, he delivered a clear opinion, that the court could not release the prisoners on Habeas Corpus, where the commitment was for a breach of the privileges of the House. But what he contended was this, that where there was a right of action at law, the House could not stay that action by considering it as a breach of privilege; that the bringing the action, therefore, was no breach of privilege; and consequently, that as the bringing the action appeared to be the cause of the commitment, which he considered as no breach of privilege, he thought the parties must be liberated. This special ground, therefore, may be said not to affect the general case. But with all respect to lord Holt, with the highest opinion of his learning, integrity, and his firmness, he is the only one of all the judges in Westminster-hall, who has ever gone to that extent. It has been the uniform course on all other occasions, for the judges, when the matter has been brought before them on Habeas Corpus, to give the most implicit effect to the privileges of this House. It is unnecessary to go through all the cases; the whole is collected and stated in a most powerful and enlightened judgment, delivered by lord chief justice de Grey, in the case of lord mayor Crosby; from which, and from the opinions of the other judges of that court, the opinions of the courts of law on this subject may be distinctly collected.

In the year 1771* this House took notice of the printing its debates, and determined to bring the printers before them for that breach of privilege. The lord mayor Crosby, Mr. alderman Oliver, and others, committed the messenger who went to seize the printers; and these magistrates were, for that offence, committed to the Tower by this House. They sued out writs of Habeas Corpus, one in the Common Pleas, another in the Exchequer; by both courts the prisoners were remanded, and upon the same ground, namely, that the House of Commons was the judge of its own privileges, and that the courts could not decide upon them. The case, as it passed in the Common Pleas, is to be found in Wilson's Reports, and likewise most fully reported in the State Trials. The judgment of lord chief justice De Grey is a most highly finished and well-considered performance. He is supported by Mr. justice Gould, who certainly was a judge of as great integrity, as much attached to the authority of the common law, and as sincere a lover of the liberty of the subject and of the trial by jury, as any who ever sat in Westminster hall; by sir William Blackstone, whose eminence in questions of this sort I have already shewn you, and whose integrity in the administration of the law is universally admitted—a person, who added to the careful and anxious discharge of his judicial duties, the most enlightened views of all abstract and legal questions. Mr. justice Gould says—"This court cannot know the nature and power of the proceedings of the House of Commons; it is founded on a different law."—"The cases produced respecting the high commission court, &c. are not to the present purpose, because those courts had not a legal authority. The resolution of the House of Commons is an adjudication, and every court must judge of its own contempts." Sir William Blackstone says—"I concur in opinion, that we cannot discharge the lord mayor. The present case is of great importance, because the liberty of the subject is materially concerned. The House of Commons is a supreme court, and they are judges of their own privileges and contempts; more especially with respect to their own members."

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* This was a commitment arising out of a question, which had no relation to that now under consideration. On that occasion, the original breach of privilege, which gave rise to the commitment of the city magistrates, was one, which must be universally admitted to be a breach of privilege, viz. the publishing the debates of the House—the magistrates were committed for an undoubted breach of privilege, viz. committing the serjeants and messengers of the House, charged with a warrant to take the printers. But the case which happened three years after, viz. that of Mr. Horne, in 1774, was expressly for libel as here defined; and on that occasion it never was disputed that libel, as here defined, is a breach of privilege.

My Lord Chief Justice De Grey, after much detail of argument and authority, says, "In order to see whether the House of Commons has authority to commit, see Coke's fourth Institute, 23. Such an assembly must certainly have such authority; and it is legal, because necessary. Lord Coke says, they have a judicial power, each member has a judicial seat in the House: he speaks of matters of judicature of the House of Commons, fourth institute, 23. The House of Commons, without doubt, have power to commit persons examined at their bar, touching elections, when they prevaricate, or speak falsely; so they have for breaches of privilege; so they have in many other cases."—"In the case of the Aylesbury men, the Council admitted, Lord Chief Justice Holt owned, and the House of Lords acknowledged, that the House of Commons had power to commit for contempt and breach of privilege."—"Perhaps a contempt in the House of Commons, in the Chancery, in this Court, and in the Court of Durham, may be very different; therefore, we cannot judge of it, but every Court must be sole judge of its own contempts." And then, in the conclusion of his judgment, he says, in the most eloquent and emphatical language, referring to the case of Mr. Murray in 1754: Courts of Justice have no cognizance of the acts of the Houses of Parliament, because they belong *ad aliud examen*. I have the most perfect satisfaction in my own mind, in determination. Sir Martin Wright, who felt a generous and distinguished warmth for the liberty of the subject; Mr. Justice Denison, who was so free from connexions and ambitions of every kind; and Mr. Justice Foster, who may be truly called the Magna Charta of liberty of persons, as well as of the lives and fortunes of men; all these revered Judges concurred in this point. I am, therefore, clearly, and with full satisfaction, of opinion, that the Lord Mayor must be remanded."

The opinion of lord Mansfield is well known; that of lord Kenyon has been already quoted by others in this debate. The Court of Exchequer, in 1771, gave an unanimous decision the same way, in the case of Oliver. Thus, both at the conclusion of the century, and at the commencement of it, all the Judges in Westminster Hall gave the same judgment, with the single exception of Lord Holt, and even Lord Holt, as I have stated, went on the exception, but admitted the general rule to be, that the Houses of Parliament were judges of their own privileges, and in that view of lord Holt's opinion, Lord Chief Justice De Grey agrees; so that we have it confirmed from the highest authority that privilege of parliament is to be judged of only in parliament.

It appears, that these solemn adjudications are confirmed by what are denominated text authorities. As to lord Coke's doctrines, I have already referred to the various extracts read by my learned friend; and I have read some of them myself, and these are all recognised by sir William Blackstone, whose text work I have already cited. In addition to this, I have the authority of lord Hale, whose deep research into every question, of which he has treated; whose learning, whose love of liberty, and whose integrity, can never be too much extolled. Mr. Hargrave, whom my learned friend (sir S. Romilly), so justly praised for those high qualities of learning, integrity, and industry (in which I must cordially join) has given to the public much valuable learning of lord Hale's; and with a liberality which always accompanies true genius, is ready to communicate whatever he possesses of book or manuscript. I found, that Mr. Hargrave, in his opinion, in the case of

Mr. Butler, alluded to lord Hale's opinion in an unprinted manuscript; that I might be sure of the quotation, I obtained from him the passage of the manuscript *. It is entitled, "A discourse, or history concerning the Power of Judicature in the King's Council in Parliament." In the eleventh chapter of that work, lord Hale says, "But surely the right of criminal punishment of breaches of privilege of the members of the House of Commons, by long and unquestionable usage, belongs to the House of Commons; but not to give damages." Thus putting the power of criminal punishment by the House for breach of privilege, upon long and unquestionable usage; and by excluding fine or pecuniary damages, making it clear that the punishment must be imprisonment to be regulated by the nature of the usage, as it is now well understood, not for a time certain, but only at pleasure, during the session, to end with prorogation. With the authority of lord Hale, a person, whose extreme accuracy and habit of the most scrupulous inquiry would never permit him to state any right, as founded on long and unquestionable usage, which he had not discovered to be so, I might safely close this part of the argument, and call upon the House to conclude, from their own resolutions and their practice, from the authority of Courts of Law, from the writings of lawyers, that the power of commitment for breach of privilege, was clear and unquestionable. But I cannot avoid bringing under the consideration of the House, an opinion which may be justly placed in this part of the discussion, and which at once establishes that commitment is the punishment for breach of privilege; that libel on the House or its members is breach of privilege, and that the House is sole judge of the offence. The opinion to which I refer, alas! is canonized by the death of him who gave it; one whose loss still creates almost an incapacity to discuss what fell from him: the greatest of all parliamentary lawyers, I mean Mr. Fox, distinguished for his love of justice and his love of liberty; who (as I have often heard him say of himself) was, as it were, brought up and educated in this House, gave an opinion on this subject, in 1798. I have been for some time possessed of that opinion; but it is now given to the public in the Morning Chroncle of this day, by the person at whose request it was obtained. The case on which Mr. Fox's opinion was asked, went directly to the question here at issue; namely, whether libel on the high Court of Parliament or its members, for their conduct in parliament, is a breach of privilege, punishable by imprisonment. It is given upon a case respecting the privileges of the House of Lords, but the reasoning turns entirely upon the privilege, as maintained and exercised in the House of Commons. The strain of the opinion throughout establishes distinctly, that he thought that the House of Commons had the power to punish libel on the House or its members, in the exercise of their duty, as a breach of privilege or contempt, by such imprisonment as the House is in the practice of inflicting. It is further material to observe, that Mr. Fox, whose attachment to the trial by Jury was most rivetted, maintained this opinion during the whole of his life, and delivered it as his opinion in this House, the last time it was discussed, stating, that the House could not part with it, or with safety give it up to the other tribunals.

Mr. Perry submitted his queries to Mr. Fox, in regular order, and Mr. Fox regularly answered them. The first query is, "Though the House of Lords as well as every court of justice, have the power of protecting their proceedings from unlawful obstruction, can this right extend to the commitment for the misdemeanor of libel?

In answer to this question, Mr. Fox says, "There can be no right of committing but for contempt; but an act which comes properly under the description of a contempt, is not the less a contempt for being also a misdemeanor. Indeed, it is difficult to conceive a contempt which would not be a misdemeanor."

Here is no limitation of contempt to the narrow, degrading ground of mere obstruction; but both from the terms of the answer, and the subject matter of the inquiry, it is quite clear that the contempt which was in his view, was the misdemeanor of libel upon the House or its members, in the exercise of their functions in parliament.

The second query is likewise important. It implies, that the right is in the House of Commons, and puts the doubt as to the House entirely on the excess of punishment inflicted by that House.

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* Hargrave's Judicial Arguments, vol. ii. p. 7.

Second query: "Has the House of Lords, either in its legislative or judicial capacity, any power of commitment beyond that of the House of Commons? the latter never committing for a time certain, nor imposing a fine."

Answer: "I do not think the House of Lords, in any capacity, has powers of commitment beyond the House of Commons; but, I believe such powers of commitment have been exercised by it; and I fear, without the reproof which such exercise ought to have drawn from the House of Commons."

Mr. Fox's answer to this query, distinctly recognizes the power of the House of Commons, to the extent to which I have here argued it. And as the whole question turned upon a libel on the conduct of the House of Lords being a contempt, or breach of privilege, it is clear that his opinion was, that libel, as I have defined it, is a breach of privilege; and that such commitment as the House of Commons practices, is a legal punishment for such an offence.

Besides, Mr. Fox explains himself in his answer to the first query, by saying, that a contempt is not less so for being a misdemeanor. He accompanies these answers with a letter to Mr. Perry: and what he states in his letter, makes his opinion on the queries still more distinct and clear. He says, referring to the commitment of Mr. Perry by the Lords; "The conduct of the House of Lords seems to have been very harsh. But harsh as it is, I do not know that it is contrary to precedent, or otherwise illegal, than with respect to the term and the fine; and I do not know that my opinion upon these heads is that of any other person, much less the general one." In the latter clause of this sentence, Mr. Fox clearly refers to the difference which the term and the fine, as exercised by the House of Lords, made, and not to the general question of considering libel as contempt, and punishable legally as the House of Commons punishes it. And in the first branch of this sentence, he delivers a clear opinion in favour of the doctrine for which I contend.

He afterwards observes on Mr. Erskine's letter, respecting the case of contempt in Ireland; and says, "The whole letter seems to relate more to ordinary courts of justice, than to the Houses of Parliament; but even in the case of such courts, if a man were to write contumaciously, of the manner in which a Judge gave judgment, I suspect he would certainly be attached for a contempt; though this case is not mentioned by Mr. Erskine, nor does it come perhaps strictly within the line of his argument." So that Mr. Fox entertains not the least doubt of the power of Courts to punish for contempt; and clearly considers that a contumacious attack upon a judgment pronounced, past and over, is a contempt which a Court might punish by its own authority, and without the intervention of a jury. I confess, sir, the perusal of this opinion, the knowledge that Mr. Fox retained these doctrines, as the sound doctrines of the Constitution, to the last, give me much consolation, and inspire me with great confidence in the opinion which I have endeavoured to maintain.

After such a train of precedent, regularly resolved, and uniformly acted upon by the House, and acquiesced in by the public; after the opinions of Courts of Justice in public, of lawyers and statesmen in their closets, can a doubt remain as to the nature of the privilege, or the extent of the power to punish a breach of it? And is it fit that we should be told at this time of day, that we can only check libel upon the House or its members, by the interposition of the Courts of Law, and by a prosecution in Westminster Hall? Consider for a moment, Sir, how ill adapted this House is for proceeding by that course. We have not means for it, adequate even to those of a parish vestry; we have no law officer of our own; but we have to borrow the law officers of the Crown; and by their efforts, if we are reduced to proceed against libel in a court of law, we must have our cause conducted. Is it possible, under such circumstances, that those who wish well to the station and authority which this House has held, in the constitution of the country—should desire to have our redress for such offences, remediable only by a Court of Law? Do they recollect the effect of that proceeding in the two last instances in which it was adopted by the House, I mean the case of Stockdale, and the case of Reeves? The first a most libellous attack upon certain members of this House, in the great and arduous duty of prosecuting by impeachment, attacking the very essence, as it were, of our power, as the great inquisitor of the nation; the other, a direct attempt to annihilate the independence of the House of Commons, and assert the omnipotence of the Crown in the Constitution of the country. Those gross outrages against the privileges of the House; the one destructive of our inquisitorial character, the other denying our functions, and asserting that all was vested in, and flowed from, the crown as matter of indulgence, went acquitted and unpunished. Are these the means by which the people's rights are to be vindicated and maintained, or the privileges of the Commons of England to be upheld? Sir, if a contrary doctrine is not enforced and maintained, now that its privileges are so daringly attacked, there is an end of that great security of the people's freedom, so often asserted and sustained by the just, temperate, and firm exercise of the privileges of this House.

Sir, I come now more particularly to the consideration of the Argument of sir Francis Burdett—Whether that Argument is a libel or not, has been called in question even by the authority of my learned friend (sir S. Romilly.) This, in my mind, is a most extraordinary and unaccountable doubt. Sir, it is impossible to look at the very introductory sentence of the Address, without seeing that it is at once meant to libel and misrepresent. Sir Francis Burdett's Letter begins on the page after the signature of Mr. Cobbett's name. I therefore presume, that the words which follow, "Sir Francis Burdett to his Constituents," are his words, and not those of Mr. Cobbett. The passage runs thus: "An Address by Sir Francis Burdett to his Constituents, denying the power of the House of Commons to imprison the People of England."

I ask, Sir, if these words can be considered as other than the most libellous? and whether, in their natural acceptation, they give a true representation of the question at issue—I ask, if it is true that the House of Commons has asserted a power to imprison the people of England; I ask, if it is not slanderous so to insinuate; and whether this does not, in the outset, stamp the character of the production to be libellous? Is it true, that the assertion of a privilege to commit for libel on this House and on its members, acting in discharge of their duty here, is an assertion of a power generally to imprison "the people of England;" and yet that is what is meant to be conveyed, to delude and deceive the public. But, Sir, on examining the body of the Argument, my mind is left without a doubt upon the subject of its being libellous. It is a rule in every case of libel, that the whole context is to be taken into consideration, by the tribunal which is to judge of it; not only with a view to discover whether the words charged be innocent, but whether they be libellous: in short, to decide upon the guilt or innocence of the paper. Before I proceed to the examination of certain passages of the paper, bearing the rule which I have just stated, constantly in view, I wish to have it understood, that in construing a paper of this sort, I do not consider the passages which are most abusive in expression, as the most libellous upon the House of Commons. On the contrary, I think a contumelious and contumacious denial of the privileges and authority of this House—a representation of its modes of acting, which degrades it, and brings it into contempt; a false representation of the manner in which it exercises its power—so as to bring it into hatred with the people—are libels of a more atrocious nature than that gross verbal abuse which has been so often referred to in this debate, and which my learned friend has protected from being libel by calling it nonsense. Look to the whole work; consider *quo animo* it is dictated, and whether the general tendency of it is not (under the pretence of representing his conduct to his constituents) to vilify and degrade the character of this House. Look to particular passages, and say whether they are not a direct libellous attack upon the constitution of the House, and the manner in which the constitutional rights have been exercised; not questioning their existence or their fitness in powerful and respectful argument, a right which nobody denies, but in terms which clearly mark the disposition of mind to be libellous and slanderous. In page 35 he says, "Yet limited and circumscribed as the House of Commons is, having no means of trial, no rules of judicial proceeding, being no Court of Record, not presuming to fine, not competent to administer an oath; nevertheless, it takes upon itself, first, to determine the crime *ex post facto*: secondly, it calls upon the accused to criminate himself, contrary to every principle of English law; and in this extrajudicial manner, upon a man criminating himself (so far as avowing himself the author of what has not been proved to be a crime, can be called criminating himself), the House proceeds to judgment, and investing itself with all the powers of Grand Jury, Petty Jury, Accuser, Judge, and Executioner, without evidence, without trial, it pronounces a sentence of indefinite imprisonment; and this in its own cause, where, least of all, it should take upon itself to decide."—Now, Sir, I deny that this representation of the course of our proceeding in such case is true; and I assert, that such misrepresentation, thus conveyed, is a libel, and breach of privilege. First of all, it is impossible not to observe, that he sets out with denying the qualifications of the House of Commons, according to its ancient constitution, which have been sufficient for all its functions in all times, by the means of which it has made those wonderful exertions in support of the people's rights; in successful resistance to the Sovereign's usurpations; in regulating the system of this free and limited monarchy, on which I have observed in the outset. We are here represented as unfit for our duty, because we cannot administer an oath; yet in all times we have discharged our great functions, legislative, judicial, and inquisitorial, in the maintenance of freedom and order, without such a power; and it is not immaterial that these objections to the immemorial constitution of this House were not observed and noticed, when witnesses of the most dubious character were under examination in the last session. When the private repositories of one of those witnesses were ordered to be broken open, under the authority of this House, under your unsealed warrant, no objection was raised to the defect of our constitution, or the injustice of our act. Yet we are now accused, "first, of determining the crime *ex post facto*."—"Secondly, of calling upon the accused to criminate himself." Now, Sir, this is the first time I ever heard that a crime could be determined otherwise than *ex post facto*; and on this passage I must have recourse to the notable vindication, that it is not intelligible. But sir Francis Burdett, in the passage under consideration, says, secondly, "We call upon the accused to criminate himself, contrary to every principle of English law." Now, Sir, this is directly contrary to the fact, for we proceed according to the strictest rules of justice. We ask the party, if he is guilty or not guilty. If he admits the guilt, we proceed; if he denies it, how do we proceed? I desire that sir Francis Burdett may be referred to the case of Mr. Horne in 1774; to which surely he might have had access from the most authentic source. I have already stated that case fully, as it applies to this question in another point of view, I mean as a precedent establishing the privilege. I now beg the House to apply it to the matter under consideration; and I ask, whether it does not afford the most convincing proof that there is not the least foundation for the libellous misrepresentation that this House, in its judicial character, in its proceedings, and privileges, "calls upon the accused to criminate himself." Did it do so in the case of Mr. Horne Tooke, in 1774? That gentleman was not called on to say a word, but, on the contrary, was admitted to plead, and he pleaded Not Guilty. So accurate was the House in its proceedings —so little inclined to act contrary to the principles of English law, by forcing the accused to criminate himself, that the evidence of the printer was not permitted to be read against Mr. Tooke as evidence, because it was given to exculpate himself—that other witnesses were called—that those witnesses did not prove the fact—and that though Mr. Woodfall had stated that Mr. Horne was the author of the letter to sir Fletcher Norton—and though every body was morally certain of the truth of that fact, yet Mr. Horne was acquitted, because it was not legally proved, that he was the author. Can there be a more demonstrative proof, that this assertion respecting the proceedings of the House of Commons is without foundation; and if so, that it is a libel on the House, and a wilful attempt, with better knowledge at command, to mislead the people? The House is accused, by sir Francis Burdett, of being "Grand Jury, Petty Jury, Judge, and Executioner, without evidence, and without trial." With respect to the last branch of the accusation, the case which I have just referred to, proves it to be unfounded—with regard to the other part of it, it is a false colouring, calculated to mislead and irritate.

The constitution of the House of Commons is, in that respect, like every other tribunal proceeding for a contempt; and it is a little curious, that those very persons who admit the necessity of committing for obstruction, seem never to have considered, that, in the case of contempt which they admit, this general charge is equally an objection. Sir, it is an objection, arising from the very nature of this necessary power vested in a supreme tribunal. But grave, and serious, and uniform as this part of the libel appears, it falls far short of that which I am about to observe.

In page 43 he says, "First, The proceedings are upon bare suggestion, contrary to Magna Charta."—"Secondly, Mr. Jones is called upon to criminate himself, contrary to common sense, and every principle of the law."—"Thirdly, The House of Commons ascertain the fact without evidence, being incapable of administering an oath."—"Fourthly, They previously determine the guilt, without appealing to any law."—Fifthly, They pronounce judgment without trial."—"Sixthly, They pass sentence of indefinite imprisonment, contrary to law."—"Seventhly, The Speaker issues a warrant of commitment, illegal in the gross, and in all its ingredients—no lawful authority—no lawful cause—no lawful conclusion—and wanting that essential stamp of law, a seal of office. That the public may exercise its own judgment, however, the warrant is here set forth.

'Mercurii, 21° Die Februarii, 1810.

'Whereas the House of Commons hath 'this day adjudged, that John Gale Jones, 'having written and caused to be printed 'a certain paper, containing libellous reflections on the character and conduct 'of the said House and of some of the 'members thereof, is thereby guilty of a 'high breach of the privileges of the said 'House: and whereas the said House 'hath thereupon ordered, that the said 'John Gale Jones be for his said offence 'committed to his Majesty's gaol of Newgate: these are therefore to require you, 'the Keeper of his Majesty's gaol of Newgate, to receive into your custody the 'body of the said John Gale Jones, and 'him safely to keep in your custody during the pleasure of the said House, for 'which this shall be your sufficient warrant. Given under my hand this 21st 'day of February 1810.

'Charles Abbot, Speaker.

'*To the Keeper of His Majesty's*
'*Gaol of Newgate.*'

"Let this instrument, This Thing *sui generis*, be contrasted with the description above given of the properties of a lawful warrant. Does it not evidently appear, that this piece of unsealed paper, signed by the Speaker, by which an untried subject has been outlawed, bears no feature of legality? and that, from the commencement of this proceeding, in its progress, and to its conclusion, there is not one step that has not been marked in a peculiar manner with disrespect for the laws; a disrespect, in which all the parts have been wonderfully consistent throughout, in constituting the most unlawful act the mind of man can possibly conceive?"

How groundless and calumnious all this enumeration is, and is proved to be, by what I have just stated! But that which I consider to be the most libellous and offensive, is what is said, Sir, upon your warrant. It is done, too, in some respects, with considerable address, so as to have a case for observation, which shall avoid the contumely. He says, p. 44: "Let this instrument, This Thing"—Then come the two Latin words, "*sui generis*"—unintelligible to the multitude; and, therefore, conveying to those whom it is meant to poison, the unqualified and contemptuous epithet of "this thing;" but saving the general sense of the passage from that meaning, by the insertion of the words "*sui generis*," which may be said to qualify the contemptuous epithet. But, Sir, I do not put the injurious and most defamatory character of this part of the paper, upon any nice distinction like this; I put it, Sir, upon the gross, the unjustifiable, and degrading manner in which he attacks the warrant issued under your hand, by the authority of this House. And because it has not a seal to it; because the ancient and undoubted authority by which the House have always spoken according to the ancient law and usage of Parliament, has not this appendage of a common law writ, it is scoffed at, and represented as bearing no feature of legality, not only that the unlettered multitude, but that men of education, may be deceived.

Good God! Sir, what is this country arrived at! What is the ignorance of the writer, or his persuasion of the ignorance of the people, when he states such an objection in language and in substance, so grossly libellous and offensive, as that this warrant, this instrument by which the House acts in all its functions, judicial, legislative, and inquisitorial, is "illegal in the gross and in all the ingredients!" Sir, it was by this warrant, however described, and whatever its form — this warrant without a seal, this warrant, signed by the Speaker of the Commons House of parliament, that our ancestors made the great seal of England in the hands of the Keeper of the King's conscience in the custody of the Chancellor of England, bend to its will.—It was this abused, degraded, and vilified instrument, which made the Earl of Shaftesbury, in 1670 (when he lent himself to accomplish the tyrannical designs of Charles the Second, by attempting once more to attach to the crown the sole power of filling the vacancies of this House, and trying the returns of its members), give way to its authority. It is this warrant, this unsealed paper, which now daily commands the clerk of the crown to append the great seal of England to the writ for electing a member to this House—an effort so supreme and powerful, that it seems to me most extraordinary, that its efficacy should now be questioned; and questioned in such terms as have been applied to it, in the argument of sir Francis Burdett. That this warrant, which has endured for ages, which has, "without a seal," been in constant use to attain all the ends of this House, in its inquisitorial, as well as in its judicial character; which has been uniformly obeyed with as much regularity as the writs of other Courts, in opening the repositories, and compelling the appearance of parties, should be characterized as bearing no feature of legality; that a use of the warrant, which has been uniform and invariable for ages, should now be stigmatized "as constituting the most unlawful act that the mind of man can conceive"—can only be accounted for, by considering it as resulting from a mind determined to libel the long established process of this branch of the high court of parliament; the forms of which are as much recognized as a part of the law of England, as the writs of those tribunals to which it is compared.

Is it possible, that any person, reading this passage, can attach to it any other character, than that of a libel, founded in doctrine which, if it prevails, annihilates at once all the means by which this House has uniformly proceeded—by which, in all its ordinary acts, it has at all times obtained persons, papers, and records—without which, it could not bring a person, by the sergeant, to the bar of this House, to answer any question on a breach of its privileges (for that act is an imprisonment, and that act is done by this warrant; founded on uniform custom and immemorial usage), necessary to preserve its station in the constitution by duly supporting its just and necessary privileges.—That the language and strain of argument in this production, therefore, are libellous, I have not a doubt. And if I were trying the question, I must pronounce a verdict of guilty.

But the legal reasoning and authorities on which it is founded, are as fallacious as the production itself is libellous.

The whole proceeds upon a supposition, that the law of parliament is not part of the law of the land.—Refute that position, and the whole fabric is overset.

That the law of parliament is a branch of the law of England, and has always been so, it is unnecessary to prove: it is text law, to be found in the earliest and the ~~latest works~~ of all who have written on the subject of our laws and constitution; so much so, that I feel a degradation in being called on to make the assertion. Where then is the argument founded on Magna Charta which is worded in the alternative? which says, no man shall be imprisoned but by the judgment of his peers, or the law of the land; clearly declaring that there are other modes than judgment of his peers, by which a subject of England may be imprisoned.

In the Argument, there is a great display of legal authorities—lord Coke is repeatedly quoted, and his doctrine relied on. Without dragging the House (after the kind attention I have received) through all these quotations, and shewing that the doctrine relied upon by sir Francis Burdett, is doctrine referring to the common law, and not to the law of parliament; I do beg the House to attend to this one observation in the Address and Argument of sir Francis Burdett—lord Coke is quoted, I believe, thirteen or fourteen times. Lord Coke wrote four great general works, by the name of Institutes: the first, his commentary upon Littleton, professedly on the law of tenures, branching into topics of municipal law, and rarely into the constitution of parliament: the second Institute, readings on certain statutes: the third Institute, a dissertation on the criminal law. The fourth Institute is upon the great courts of the kingdom; the first chapter upon the High Court of Parliament; so that this last-mentioned work is the only one of those four Institutes, containing doctrine professedly on this very subject, and distinguishing throughout the common law from the law of parliament. This fourth Institute, accordingly, forms the great repository of the parliament, to which we all have recourse, when any question of the nature now under our discussion arises.

Now, Sir, it will surprise the House, when I tell them, that the numerous quotations which sir Francis Burdett has made from lord Coke, are all confined to the three first Institutes; and that he has not one quotation or reference to the fourth Institute, the only work which lord Coke has written professedly on the constitution of parliament. No, Sir, this grand repertory of the law of parliament; in which are to be found all those doctrines respecting our privileges, to which I have already referred in what I have stated to the House in the outset, is entirely passed by, and the existence of such a work is never once pointed out or acknowledged. What shall we say of the candour of a disquisition which is thus conducted? But, Sir, this is not the only observation which this course calls forth. By treating this subject, with reference to the doctrine of the common law, which is only one branch of the law of England, the mind is entirely misled, and doctrines referred to, which the law of Parliament not only does not acknowledge, but denies.

Sir, there is another course of argument equally fallacious and unjust in the Address of sir Francis Burdett, when the assertion of the privileges of the House of Commons is referred to, as made in the reigns of James the first, and Charles the first, under the sanction of lord Coke, and the other great men of that day.—It is represented that the privileges here contended for, are not enumerated among those there asserted; and it is concluded, therefore, that as this privilege was not then asserted, it did not exist:—yet it is well known to all who have any information of the history of those times, that no privilege was asserted, but those which had been disputed; and it would be easy to enumerate many of the best ascertained privileges of the House of Commons, which were not asserted at that period. But does it follow from thence that they did not exist? The best and most convincing proof of the weakness of this mode of treating the subject, is to be derived from the admission of privileges made by those who deny the privilege in question: namely, the doctrine of contempt by obstruction. Those who argue most strenuously against libel on the House or its members being a breach of privilege, still admit that the obstructions of our proceedings are breaches of privilege; yet that privilege is no more to be discovered in the enumeration of those which were asserted in 1621, than the more extended privilege for which I have been contending. It would be endless to go through the other objections in detail, which this work affords, all of them shewing equally its fallacy in argument and authority, and its libellous character in intention and in language: I shall, therefore, proceed now Sir, to the third and last branch of this most important question—the punishment.

Mr. Speaker, I announce my views of this part of the subject with the more satisfaction, because nothing has yet been stated, or is yet known, as to the punishment intended to be proposed by those who have brought this matter forward, so that it is impossible to impute the proposition of any individual, to the influence of fear or apprehension. Upon the most attentive consideration which I have been able to give this matter, I am satisfied, that in this case, and as applied to this person, the most advisable punishment is a reprimand from the chair; and when the proper time comes, I shall think it my duty to move that sir Francis Burdett do attend in his place, and receive such reprimand. In proposing this, I propose a punishment most perfectly appropriate to the offence, perfectly consistent with the dignity of this House and the maintenance of its privileges. Upon the subject of libel upon the House or its members, the power to inflict a discretionary punishment implies the necessity of weighing it with the greatest deliberation; and considering the situation, the character, the rank, the education of the person who is the odject of it—nothing is so ready to mislead in a question of this sort, as to inflict a certain punishment on one person, because that punishment has been adjudged on another for a similar offence. First, the discretion may have been injudiciously exercised in the first instance. Secondly, the impression to be made on the person who is the object of punishment, must be different according to the mind of the offending person, being more or less educated, and his station more or less elevated in society. Sir, the object in point of public example and public information, will be more effectually attained by a reprimand, than by any other course. It is of infinite consequence, that the doctrine respecting the privileges of this House, should be often inculcated and pressed upon the public mind, that the antidote to the false doctrines which have been forced upon the people, may be replied to in the most effectual manner, and may come from the highest authority. We all know, Sir, with what effect this would be executed by you; with what sincerity, zeal, and perspicuity the privilege would be asserted; with what just severity, and in what forcible language, the reprimand would be pronounced. Such a punishment to an educated man, is more severe and efficacious than any other, and, in all its aspects, is peculiarly calculated to do service throughout the kingdom. Besides, Sir, the most recent case upon this subject of a member libelling the House, shews, that the punishment which I propose, is not at all inconsistent with the offence, as expressed in the resolution under consideration. It is proposed by the motion in your hand, that the Address and Argument of sir Francis Burdett should be voted to be "a libellous and scandalous paper, reflecting on the rights and privileges of this House." To this proposition I most cordially agree. But as to the punishment, I refer to that of major Scott, who in 1790 published a libel affecting the privileges of this House, in one of the most important functions which belong to it. He attacked its privileges by libelling its members in the discharge of the great duty of prosecuting by impeachment; embarrassing the cause of justice in the proceeding before the Lords, against Mr. Hastings, for high crimes and misdemeanors. The vote which was passed against major Scott was, "that he had published a letter, which the House declared to be a scandalous and libellous paper, reflecting on the honour and justice of the House, and the conduct of the managers," in terms almost the same with what is now proposed respecting sir Francis Burdett. When the amount of the punishment was discussed, Mr. Pitt, with infinite good sense, and most laudable moderation, in my opinion, pressed for the punishment of reprimand, and that course was adopted without a division—while the power to imprison was fully recognized by the whole House, as a legitimate course; and the libel being a breach of privilege, was never even called in question. I cannot use words so likely to prevail on the House to follow that precedent, as those which are attributed to Mr. Pitt on that occasion. He said, "He would recommend it to the House to take the matter up with temper and moderation, rather with a view to mark their disapprobation of such publications, and to hold out a lesson to persons to avoid incurring their displeasure in future, than, by any unnecessary harsh proceeding, to give the world reason to suppose that the motive was founded in personal resentment, or any thing that could be construed into a vindictive feeling; neither of which, he was persuaded, had the smallest influence on the minds of any one gentleman of that House, on the present occasion." This sound and moderate doctrine, falling from such high authority, I do trust, will have its influence with the House on this occasion. And they will see that it is perfectly consistent to vote a paper to be libellous, scandalous, and a breach of privilege; and to follow up that vote with the punishment of reprimand.

Sir, I have now closed all that I have to offer on this most important question, with one small exception.

I omitted to state in its proper place, the observations at which I hinted at an early period of this speech, respecting some of the precedents and authorities, on which sir Francis Burdett relies. I mean that respecting Holt and Bridgeman, and that relating to the proceedings against sir Richard Steele. In the first of those, the proceeding was before the House of Lords, and may relate therefore to privileges very different from ours; and consequently not applicable to this subject—that House having the character of a court of error and of appeal in causes. The case of Holt and Bridgeman was a proceeding of that sort. The office of clerk of the crown was granted by Charles the second, as a sinecure office, to the duke of Grafton. To defeat that sinecure grant, lord Holt granted the office to his brother Mr. Holt. An action was brought in the court of King's Bench, to try the right to the office; and a bill of exceptions was tendered to the direction of the court, which the judges refused to seal. A special verdict was found, and on that special verdict the court gave judgment for Holt. Bridgeman brought a writ of error in parliament on the special verdict; but as the judges had refused to seal the bill of exceptions, it could not make part of the record. Bridgeman wishing to have it before the court of error, petitioned the Lords to make the judges seal the bill of exceptions; and the Lords ordered the judges to answer. They, as it were, pleaded to the jurisdiction, and assigned their reasons—representing strongly and firmly against the proceedings of the Lords—who in the end gave way, and did not insist upon the compulsion which they at first threatened—

which was in fact requesting the judges to do that for which the statute law of the land had provided a remedy. The whole matter proceeded upon the petition of the party in a cause, which the Lords, neither in their legislative nor judicial character, had a right to propose or enforce; and the proceeding having dropt in the manner stated, it may serve to show the firmness of the Judges in a contest with the House of Lords; but it never can illustrate the question of privilege.

In the case of sir Richard Steele (which I likewise omitted to state), it is contended by sir Francis Burdett, in a note, that sir Robert Walpole declared, that the publication of a libel was no breach of the privileges of the House of Commons; and that it was against law for the House to treat it as such. I must beg the House to attend to the fallacy and want of candour of this statement. It is most important to detect it.

I have formerly observed, that sir Robert Walpole, in the year 1701, took a very decided part in the resolutions of the House respecting its privileges; declaring, that to publish libels respecting the proceedings of the House, or the members for their services therein, is a violation of its rights and privileges. It is important therefore, to show, that what he did in 1713, was perfectly consistent with his opinion in 1701, and was most just and correct in every point of view; and that the representation given of this transaction by sir Francis Burdett, is completely erroneous. The only question now under consideration, is whether a libel on the House, or its members for their services therein, is a breach of privilege. It never was contended or dreamt of by me, or any who have ever supported this doctrine, that a libel on the state or government generally, was a breach of privilege. Observe then, that sir Richard Steele was not accused of a libel against the House of Commons, or against any of the members of the House, in discharge of their duty there—the charge against him, which was made 13th March 1713, is this—"Complaint being made in the House of Commons, of a paper called the Englishman, and a pamphlet entitled the Crisis; and Mr. Steele acknowledging himself the author of these pieces, they are voted scandalous and seditious libels; highly reflecting on her Majesty, the nobility, gentry, clergy, and universities; maliciously insinuating that the protestant succession in the House of Hanover was in danger under her Majesty's administration, &c. and that Richard Steele, Esq. the author, be expelled the House." Not one word of the House of Commons, from beginning to end; so that this, instead of being a libel on the House or its members, is a general attack upon the general government of the country, for which the House of Commons took upon themselves to proceed against their member—and which proceeding, promoted by a Tory administration, sir Robert Walpole, as a Revolution Whig, opposed; but in doing so, he made no sacrifice of the privileges of the House of Commons; nor did he in the least deviate from the principle, of which I have shewn him distinctly to be a supporter in 1701.

Thus, Sir, it appears, that when precedents and authorities are sifted and examined, they are not applicable to the case in question; and it is by those misrepresentations and generalities, that privilege is rendered doubtful, and the people misled.

There is, Sir, at present, a prevailing plan and system to degrade the House of Commons, and to represent this branch of the legislature (which is connected with, and flows from the people—which has privileges and rights exclusively belonging to it, of the highest nature; armed with which, it has repeatedly fought and conquered in the cause of the people), as inferior to the other branches of the legislature. For this purpose, the miserable shift has been resorted to, of alluding to the appellation of the lower House, as confirming this doctrine, and implying, that its rights and powers are inferior in their nature. They understand but little of the constitution of England, who rest upon such observations, and rely on such doctrine. Sir, the powers of this House vary from the other branches of the legislature, and its functions are different. But its rank is co-equal; and many of its powers exclusively its own: while its efforts have been peculiarly those, by which the constitution has been vindicated and asserted. Those who represent the House of Commons as inferior, and exalt the other powers of the state to its prejudice, are the worst enemies to the liberty of the country. This House has, and I trust will, by a due attention to its dignity, its privileges, and its independence, in defiance of despotic attacks of the crown on the one hand to enslave it, or wicked or misguided efforts of some men on the other hand to degrade it, always succeed in maintaining its proper rank and importance in the constitution; and as a sincere lover of my country, and therefore a strenuous advocate for the just, the necessary, the ancient privileges of this House, I conclude, *esto perpetua.*

Sir *Samuel Romilly,* in explanation, stated, that he had never said or maintained that the doctrines asserted in the paper under discussion were not a breach of the privileges of that House. Any thing that obstructed their proceedings must come under that description, but the only doubt he had was as to the libel.

Mr. *Whitbread* then rose and said, that he hoped for the attention of the House whilst he made a few observations, and was happy in doing so to take that opportunity of bearing his testimony to the legal and constitutional sentiments delivered by his hon. and learned friend who had just sat down. But great as was his respect for that hon. and learned gent. and unlimited as his reverence and love were for the authority (Mr. Fox) which he had quoted, he must still be allowed to say, that he was not convinced by the arguments of his hon. and learned friend. Had it ever been contended that the House was to abandon its privileges? No. Whatever might be the wish of any member as to the revision and reform of these privileges, no man deemed them of more value than himself; no man thought more highly of them. He considered any breach of the just and legitimate privileges of that House, as a direct assault upon the liberties of the country; and, consequently, he was not to be told, that in order to support the privileges of that House, they were called upon to condemn the letter of sir Francis Burdett. The privileges possessed by the House had been given for the benefit of the public. Without such a power, how could the ordinary business of the House be conducted? How could the chairman of its different committees proceed? He had himself, as chairman of a committee, exercised the authority given by the House in sending for papers, persons, and records. The orders of the House were, in such cases, uniformly obeyed, as they must be obeyed, or there would be an end of the most important of their functions and of the liberty of the country. His hon. and learned friend had expressed some doubts as to the propriety of the commitment of Mr. Gale Jones, and thought that case ought to have been considered with some latitude. Whatever might be the weight attributed to Mr. Justice Blackstone's authority, no man could have higher claims to attention for constitutional doctrine than Mr. Hargrave.

His hon. and learned friend had also adverted to a private and unpublished letter of the late Mr. Fox, as an authority for his argument. From that letter he should beg likewise to state, as the opinion of that great man, of whom no man thought more highly than himself, "that the House of Lords, no more than the House of Commons, had a right to commit persons, and that it was matter of regret that the Lords had been suffered to exercise that right by the House of Commons without reproof." Upon this authority, then, it appeared, that so far from claiming the privilege itself, the House of Commons was considered as deficient in duty for not having expressed any reproof of the Lords for having exercised the power. But the hon. and learned gent. opposite (Mr. Stephen) had asked, whether it was their wish to go back to the times of queen Elizabeth. He felt no disposition of that description, but if they were to refer to the practices of such times, he was much afraid that principles of tyranny were contagious, and that no benefit could possibly result from the retrospect. He must again repeat, that their privileges had been given with a view to the benefit of the people, and should never be exercised but for the purpose of promoting that end. And here he felt bound to state the difficulty arising out of the case of Mr. Gale Jones. They might have proceeded against him in a far different way, though they had thought proper to commit him. The libel of Mr. Reeves, which had been alluded to by an hon. friend of his, had been voted by that House most libellous and slanderous, and though one gentleman proposed he should be taken into custody, and another that his libel should be burnt by the common hangman; yet whilst two of the ablest men that ever existed were present, the case was referred to the Attorney General to prosecute, and the consequence was, that the individual was acquitted.

His hon. and learned friend had, he thought, not treated the hon. baronet fairly, when he referred to Mr. Horne, and charged the hon. baronet with disseminating that gent.'s opinions. That might be a good argument as against an individual, if just, but would not go for any thing upon the general principle.—But to return to the authority of Mr. Fox; it was the opinion of that great man, that every court, which appeared to claim a power beyond what was necessary for its proceeding, usurped that power. Was there any case in which the House had gone farther than in the case of Gale Jones? It was the opinion of Mr. Fox, that the House of Lords could not exercise that power, because there was no appeal but to the legislature, of which that House was a part. But was not the House of Commons equally a part of the same legislature? Nothing could induce him therefore to vote that the paper under consideration was a libel. But upon this subject he was bound to admit, that he did not think that the hon. gent., who had brought forward the question, had lent himself as a tool to any administration in the proeeedings which had taken place. He begged of the House however, to consider the steps by which the business had hitherto proceeded. It had been said, that he had not on a former occasion declared by his vote that Gale Jones was not guilty of a breach of privilege, and he took shame to himself that he had not asserted on that occasion what be now felt to be right. In the paper under discussion, sir Francis Burdett only exercised a right which belonged to him and others, to state his opinion upon a public subject. That he might have done so in intemperate language, he was not prepared to deny; but he must insist, that, Mr. Gale Jones had conducted himself at their bar respectfully and with decorum. The hon. baronet (sir J. Anstruther) had then an opportunity of stating his sentiments upon the subject; he had another opportunity when the motion of his hon. friend was brought forward for the discharge of Mr. Jones.

As to the argument of the noble lord opposite, founded upon the appeal made in the paper to the voice of the people, he was of opinion that it did not rest upon any firm foundation. On the contrary, he was persuaded that the language of the hon. baronet in that particular was perfectly justifiable. But though he idolized, at least respected in a degree little short of idolatry, the memory of the late Mr. Fox, still there were some things which he should not be disposed to admit, even upon such high authority. He could not assent, however, to the justice of the observation of the hon. gent. who alluded to the circumstance of that distinguished Statesman having, whilst a very young man, sat upon the Treasury Bench, and voted in a particular way on a motion of Mr. serjeant Glyn. If he knew any thing of Mr. Fox—if he was alive to his principles—if he had imbibed any of his spirit or feelings, he was convinced that Mr. Fox, upon consideration, would have admitted that his conduct in such cases had been erroneous.

But in order to shew that the language of sir Francis Burdett's paper was not libellous, he must again refer to a pamphlet, published by Mr Burke, in the time of Wilkes, called "Thoughts on the Public Discontents." In that work it was broadly asserted, that the people should exercise a vigilant superintendance over the administration of public affairs; and that, in certain cases, there was no remedy for grievances to be expected but from the interference of the great body of the people. Had any thing so strong as that been stated by the hon. baronet? No: he only called upon the people to express by their voices what they felt upon the present situation of affairs. Was there any thing in the production of the hon. baronet to be compared with what had been published by that great man Mr. Burke? If they were but to look at both, they would be sensible how feeble that language which had been brought under the consideration of the House was, compared with that which had never been questioned any where. And here he must be allowed to observe, that he held in contempt all fears that would prevent him from doing his duty, and voting conscientiously. His only apprehension was, the degradation that might be brought upon the House of Commons. The paper, he was of opinion, ought not to have been noticed at all, and though noticed was not such as to call for reprehension. He agreed with the Master of the Rolls, that it was a question of magnitude, but did not think that any harsh or hasty proceeding was to be taken upon it.

But neither the hon. baronet who had spoken early in the debate, nor his hon. and learned friend (Mr. Adam) had convinced him by their arguments that any serious or severe notice ought to be taken of this case. He would not deny, however, that in certain cases, it would be proper for the House of Commons to possess the power of commitment, though that should always be regulated by the necessity. But it was not expedient that it should always exercise that right, in case of libel, as was evident from the manner in which the prosecution against Mr. Reeves had been managed. His learned friend (sir S. Romilly) had never asserted that that House had not the power of removing nuisances; but that such power should never be used but upon a necessity. It would certainly be a most strange mode of arguing, to contend that the placards displayed in the streets by Mr. Jones could have the effect of interrupting the proceedings of that House. But it might be said, that as they had committed Mr. Jones to custody, they ought also to commit sir F. Burdett. This he denied. It was his opinion, that unless they should agree to the proposition of his noble friend, they ought to vote the adjournment of the discussion for some months, so as to get rid of it altogether. For his own part, upon the best consideration he could give the subject, he did not perceive the smallest matter that was libellous in the publication. As to the allusion to the means by which that House was assembled, he could see literally nothing improper in that: sure he was, that it would puzzle the hon. baronet to point out how the member for Tralee (Mr. Canning) came to have a seat in that House. The true course for that House to pursue, he must contend, was not to arrogate more privileges than it was entitled to, or by constant usage enjoyed.

With regard to the real character of the paper under discussion, he declared, that he saw no libel whatever in the first letter of the hon. baronet. In the report of his speech there were some points pushed to an extreme. But a disposition to exaggerate was the constant error of the hon. baronet. He was too much in the habit of dealing in the superlative degree. This, however, was generally the error of sanguine men, and certainly no man could be more sanguine than the worthy baronet in the pursuit of his object, which was, no doubt, that of true constitutional liberty, for he saw no reason to impute to him any other motive. There were some passages in this paper which, he confessed, he could not understand, and of course he could not set them down as libels. Indeed, those passages reminded him in some degree of the placard of Q. U. O. Z. which was some years ago posted about London. Every body asked, what it meant; and at length the waggish writer confessed, that he had it distributed in order to shew how he could puzzle the people by publishing four nonsensical letters. As to the hon. baronet's allusion to the possibility of the Bill of Rights becoming a Bill of Wrongs; that allusion, he thought, warranted by the manner in which that bill had been abused upon the motion for the committal of Jones. But there were many statutes made for the benefit of the subject, which were afterwards perverted to a different purpose. For instances, the Place Bill was, he understood, made use of in Ireland, to get rid of members adverse to the Union, to procure substitutes by whom that measure was carried. This, then, furnished an illustration of the doctrine of sir Francis Burdett. The scriptural language applied to that House, by the hon. baronet, could not be found very inapplicable, after the conduct of the noble lord (Castlereagh), and the right hon. the Chancellor of the Exchequer, had been palliated and passed over after their violation of the most essential privileges of the House had been overlooked. Upon such a proceeding, any terms of animadversion could hardly be too strong. He would offer some scriptural language also to the consideration of the House—"The beginning of strife was as the letting in of water;" and he cautioned the House to consider well the course it was pursuing. He strongly recommended it to get out of this business. His proposition was, that the motion then under consideration should be postponed till such a time beyond the expected sitting of the House, that there would be no chance of any farther discussion of it—that Jones should be liberated—and then let a question be raised upon this subject in such a shape that it might be discussed without any mixture of heat or prejudice—without any proceeding calculated unduly to influence their own minds or to inflame the minds of others. This course he earnestly pressed upon the consideration of the House, but above all he exhorted it to attend to the moderate and judicious advice of the learned gent. on the lower bench (the Master of the Rolls) and not punishing where there was reason to doubt, by not pushing matters to extremity.

Mr. *Canning* said, he could assure the hon. member who spoke last, that if ever he came to the consideration of a question without the least feeling of political animosity, it was to the discussion of the question now before the House. For himself, he could say, that he met it with a mind as unprejudiced as could be expected from the inevitable infirmity of human nature. He had not sought the question; he could not decline it when it pressed upon him. In the state in which the question was presented to the House, it was not possible to avoid coming to a decision upon it. If the House were inclined to adopt the course recommended by the hon. gent., they should endeavour to make their conduct consistent. If they arrogated privileges that did not belong to them (an opinion in which he was by no means disposed to coincide), the most manly course would be to confess their injustice, and to repair any wrong they might have committed by inforcing them. Upon this principle, the hon. gent. would himself come in for his share of whatever blame might be attached to the late proceedings of the House. He could not learn that the hon. gent. had ever even entered his protest against the commitment of Mr. Gale Jones; and he therefore contended, that the hon. member was consequently himself a party to the injustice of that act, if unjust it were. But after what he had heard that night he would not allow that the House on that occasion had overstrained any privilege claimed by it. He would confess that he came to the consideration of the question with considerable doubts on his mind, as to the power of the House to commit generally—doubts that were greatly increased and almost confirmed by the ingenious speech of the hon. and learned gent. (sir Samuel Romilly) on the other side;—but the arguments of the learned gent. on the bench below him (Mr. Adam) completely removed them.

With respect to the case of Reeves, which had been so much insisted on, he begged leave to observe, that the resolution ultimately adopted by the House was not that first proposed by a right hon. friend of his (Mr. Sheridan), whom he did not now see in his place. The resolution first proposed was for an address to his majesty to deprive Mr. Reeves of any office he might have filled, and to render him incapable of holding for the future any place of trust or emolument under the crown. It had been said, in the course of this discussion, that the defence of the hon. baronet consisted merely in having employed a flower of speech, and it was asked, what! would you come upon the hon. baronet for a metaphor? But what was the offence of Mr. Reeves, for which he was ordered to be prosecuted? Was it not also a metaphor? His right hon. friend, in the richness of his exuberant imagination, could discover a libel in this metaphor, in this child of fancy; but the less imaginative minds of an English jury could not recognize any feature of this repulsive description. It was impossible, in his judgment, to separate the cases of Mr. Jones and sir Francis Burdett. If the House should admit by the vote of that night, that sir F. Burdett was entirely guiltless, it followed that their whole proceeding against Mr. Jones was founded in flagrant injustice. For his own part, he must express his sincere regret, that the House was called to decide upon a question of this nature. With the hon. baronet, whose conduct was the subject of consideration, he had not the honour of the slightest acquaintance. He had however opportunities of judging of his abilities and of his motives, as far as one man could judge of the intentions of another, from his conduct. Of the hon. baronet he would say, that he considered him as a man gifted with extraordinary talents; of powers of the very first grasp, which, if directed in a proper channel, might produce incalculable advantages to his country. He never knew the hon. baronet to rise in that House, that he did not acquit himself as a person of first-rate ability; always entering with uncommon zeal into the consideration of any subject he undertook, and conducting it throughout with equal ability. Of the talents, and he would fain hope the sincerity and purity of the hon. baronet's motives, there could hardly be a difference of opinion. But the question was not respecting the views or parliamentary talents of the hon. baronet. The offence charged upon him, and the necessity of vindicating that offence, was the question on which they were to decide. The question was, whether they would or would not uphold the privileges of parliament. These privileges were not to be sought for as laid down in books and charts, amidst the violence of conflicting parties; but they were to be discovered or deduced in or from the invariable practice of parliament. When he considered the purposes for which these privileges were claimed, that they were claimed to uphold and protect that House against other powers, he felt it to be his imperious duty to maintain them with firmness and jealousy. Though it was far from his wish to be called upon to decide on a question essentially connected with the independence and the existence of the House, he did not look to the decision with the apprehension that other gentlemen did. He came with his mind reluctantly, but perfectly, made up on the question. In deciding on it, therefore, he would take care, as far as it depended on him, not to compromise the privileges of the House, and, above all, to distribute justice with an even and impartial hand.

Mr. *Ponsonby* disclaimed being a party to the commitment of Mr. Jones. In presenting himself to the House after the right hon. gent., it might be supposed that he rose to impugn the principles laid down by him and an hon. and learned friend (Mr. Adam) on the same bench with himself, respecting the privileges of that House. No such thing. That House possessed the privilege and power of committing for contempt, or for libel. Nothing was clearer to his conception than this; it was confirmed by the practice of two centuries, and in repeated instances. In discussing, however, any doubts that might be now entertained respecting the existence of such a power, it would be desirable to keep an eye on the position laid down by sir F. Burdett.—That hon. baronet stated, that the House had no power of commitment except of its own members; and in support of this assertion, he quoted the passage from Magna Charta, that no person was to be confined except by the law of the land, or the judgment of his peers. Why, according to this doctrine, there was not a member of that House who would not be excluded from the benefits of this clause of the Great Charter. He never heard a more fallacious opinion, and he was happy to find there was not one man in the House who concurred in it.—As to what had fallen from his hon. and learned friend (sir S. Romilly), he heard it with deep regret, entertaining, as he did, the highest opinion of his talents and his virtues. His hon. and learned friend seemed not to be aware of the consequences of the principles he had laid down. According to his argument, the jurisdiction of no court could extend beyond the actual commission of the offence that called for reprehension. It would be incompetent to punish on Tuesday that which was done on Monday. But his hon. and learned friend surely could not have forgotten that courts of justice were in the practice of attaching for such contempts, and that it was, *a fortiori*, a privilege that could not be refused to parliament. In insisting, however, upon the necessity and legality of this privilege, he must admit that discretionary power was, in its nature, dangerous, and that it was adviseable it should be as much circumscribed as it could be consistently with its main end and design. After the experience of centuries, however, he did not expect to have heard it doubted at this day, that the law of parment was part of the law of the land. From Fortescue down to Blackstone, with hardly a single exception, this principle had been uniformly recognized.—It was asserted in the resolutions of the House, and by the conduct of the Commons at different times; and he knew not where to look for the privileges of parliament, but in the law and practice of parliament.—The right of the Commons to commit having been already disposed of, there remained another question for the consideration of the House. That question was, whether the conduct of sir Francis Burdett was a breach of privilege, and whether the House was called upon to mark it as such? Upon these points there had been various revolutions in his mind. At one time he was disposed to think the paper on the table libellous, at another time not. Would it be said, that it was not competent to any one to discuss the decisions of that House outside its walls? At this day, he could not suppose such doctrine would be maintained. On the contrary, there was no constitutional subject that might not be freely discussed; and in these discussions it was not always possible for men so to measure their words as to be entirely free from offence. He believed it would be allowed, then, that the constitution of that House might fairly become the subject of discussion; and that the question of parliamentary reform, so vitally connected with it, was also a fair object of consideration.

If some subjects were to be admitted and others rejected, in consequence of the exercise of this privilege, he would be glad to know where the House was to place the limit. This, he believed, was the first time that the House was called upon to agree to a set of resolutions without being apprized of the ulterior resolution with which it was intended to follow them up. Had he been in his place when the case of

Jones was under consideration, he would have opposed the commitment of that person, and he would now equally oppose the commitment of sir F. Burdett. Such practice would close all discussion, and put an end to the liberty of the press. He admitted that there were very intemperate expressions in the letter, perhaps libellous, but they were not of so marked a nature, he must contend, as would justify the House in resorting to so strong a measure as this. He would most readily agree that the House possessed the privilege, in the fullest sense of the word, of committing, and might exercise it when it thought fit; but this was a case, in which he must maintain it ought not to be exercised. Instead of making sir F. Burdett less powerful, it would make him more so, and render the question for parliamentary reform more popular than it had ever been.

Mr. *Windham* in a speech of some length spoke in favour of the former resolutions.

The *Chancellor of the Exchequer* justified the course adopted by his hon. friend, the member for Somersetshire. His hon. friend had proposed his resolutions on the offensive paper, leaving it to the discretion of the House to say what punishment should follow. He could scarcely have expected that any man would be found in that House to maintain that the paper was not a libel, seeing the extravagancies and violence of the expressions, and when it was apparent, that it was published with no other view than to bring the House into disesteem and disgrace. He trusted that the result of the vote that night would be to shew, that they were not prepared to give up the privileges of that House, or to surrender them to be trampled upon by any individual.

Mr. *Grattan* lamented that this subject had ever been brought before parliament. It was a contest in which victory would be without glory, and in which defeat must be followed by disgrace. When the House went to hunt in holes and corners for questions of privilege, they diminished their own dignity. They might depend upon it, that the result of this contest would not tend to their satisfaction. Had they forgot Wilkes's case? Did they not know that it ended in his being elected for Middlesex, and nominated Chamberlain of the city of London, and that parliament was at length obliged to shrink from the contest? In this battle between the giant and the dwarf, the giant diminished in size, and the dwarf magnified. The people of England, with their characteristic generosity, would range themselves on the weaker side, and oppose the shield of their compassion against the arm of power.

Lord *Jocelyn* called upon the House to support its privileges.

Lord *W. Russell* could not agree to proceed to the other orders of the day. He thought the House was bound to assert its privileges.

General *Matthew* complained that the hon. mover of the resolutions did not know what he was doing. The hon. member had spoken of his hair standing on end, but he had not spoken in any way to afford information to the House. He was convinced that the House had no right to commit the hon. baronet. On many occasions the worthy baronet had been branded by gentlemen on the other side of the House, with the terms of jacobin, democrat, and demagogue; but the country knew sir Francis Burdett, and knew how to appreciate his virtues and his talents. If ministers sent him to the Tower, it would be against the good wishes of every friend to his country.

Lord *Milton* thought it was impossible for the House to pass over the paper. The question was of that nature that it could not be blinked. If the House adopted the resolutions, they must of necessity proceed farther; but it was advisable that the punishment that was to follow should be as lenient as possible. He would vote against the amendment.

Mr. *Brand* would not undertake to justify every thing that was said in the paper on the table. He professed his intention in case the motion of his noble friend was negatived, to move an amendment to the resolutions, recognizing the right of members of that House to publish their opinions on constitutional points, to communicate with their Constituents, and that such parts in the Letter and Argument of sir F. Burdett, as did not contain inferences derogatory to the Constitution, were not a breach of privilege.

Mr. *W. Wynn* contended that the paper was a gross breach of the privileges of that House, and charged the hon. baronet with having altered and misquoted precedents in the Argument to serve his own purpose. From 1547, when the Journals of Parliament first commenced, all the precedents were in favour of the privilege of commitment by the House. Instead of any harsher proceeding, he would recommend that the Speaker should reprimand sir F. Burdett in his place.

Mr. *Hutchinson* was for postponing the further consideration of the subject to a distant day.

Mr. *Curwen* was convinced by the arguments of the hon. and learned gent. (sir S. Romilly) that the House did not possess the power of committing persons who were not members. At the same time he felt himself bound to say, that there were many passages in the paper highly offensive.

Lord *G. Grenville* thought that before the House proceeded to a vote, they should hear the hon. baronet in his defence.

Mr. *T. Foley* entered into a very able justification of sir F. Burdett's conduct.

Mr. *Sheridan* said, he trusted the House would give him credit for not being a person likely to trespass on their patience at that late hour. He was not a person disposed to betray the privileges of that House, which, no matter whether they were usurped or conferred, were necessary to their existence, and which if they did not possess, they would not be then sitting there as a branch of the legislature. But they should recollect that their privileges were derived from the people, and were held for the advantage of the people. If the House were brought into an unpleasant predicament, woe be to the late member for Cambridgeshire. That gentleman was answerable for its embarrassment and whatever consequences might follow. It was he who excited these doubts concerning the privileges of the House, by converting a personal attack on himself into a violation of the Bill of Rights. This sent people to enquire into the nature and extent of privilege of Parliament. He wished to know from the gentlemen who supported the Resolutions, what conclusion they intended to draw from their adoption. Did the hon. mover mean to move that sir F. Burdett should be sent to the Tower. If that was his intention, for himself he would say, that he would not be made a stepping stone to assist him in his progress. He would not consent to hurt a hair of sir F. Burdett's head. What did the hon. gent. or his friends mean to move? He called upon him for an answer; he was entitled to it.

Mr. *Lethbridge* would state what his course had been, and what were his intentions. He was not to be forced beyond the line of conduct he prescribed to himself. He would lay the Resolutions before the House, leaving it to them to dispose of them as they might please. If they were adopted, it would be competent for any hon. member to follow them by any Resolution he might think proper. When such should be proposed, he would give his vote conscientiously on the question.

Sir *Robert Salisbury* said, that if the Resolutions were agreed to, he would feel it his duty to propose that sir Francis Burdett be committed to the Tower.

Lord *Porchester* said, that no man felt a stronger inclination to uphold the privileges of that House, but he could not vote for the Resolutions, because he was convinced they proceeded from vindictive feelings.

Mr. *Wellesley Pole* said, he had been surprised by the expression 'vindictive,' uttered by the noble lord. He trusted the House would give him credit for impartiality. A more gross, foul, and scandalous libel, had never, in his opinion, occupied the attention of Parliament, and if it was decided to be a libel by the sense of the House, he thought it their duty to commit the author to the Tower. He thought many of the members who had not spoken with freedom during the debate, were intimidated by what had passed out of doors. [Here Mr. Tierney spoke to order, and complained that the observation was unparliamentary; it was, however, decided by the Speaker, that the right hon. member was not out of order.] He then continued, and stated, that he had been induced to allude to the transactions without doors, by what had happened to himself on his way to the House. Passing through the Hall, he had been surrounded by a mob, many of whom exclaimed "Burdett for ever!" and other words.

Mr. *Wilberforce* contended, that Parliament had no right to give up the privileges of the people of England, of which this right claimed by the House was undoubtedly one. The power of commitment was sanctioned by precedent, and essential to the independence of that House. He thought the wisest course they could adopt would be to come to a vote on the Resolutions at present, and to defer the consideration of the measure of punishment to a cooler moment. He considered the argument of the last speaker, as rather unfair. It seemed as if it were intended to induce them to adopt the motion for commitment, by making them ashamed of appearing to be intimidated. He thought the House was in duty bound to mark their sense of the paper on the table.

Mr. *Lyttelton* was convinced the House would render a more grateful service to their constituents by rescinding the vote in favour of the Walcheren Expedition, than by provoking a contest respecting the existence of a privilege that was not attacked.

Sir J. Newport and Mr. W. Smith announced their intention of opposing the Resolutions, since it was proposed to follow them up by a punishment not warranted by the offensive matter contained in the paper on the table.

A division then took place, Ayes, 80; Noes, 271; Majority against reading the other orders of the day, 191.

Strangers were not again admitted; but the Resolutions proposed by Mr. Lethbridge, were agreed to without a division.

A motion for the Commitment of sir F. Burdett to the Tower was then made by sir Robert Salusbury, upon which a discussion of some length took place. An amendment was proposed, that sir F. Burdett be reprimanded in his place, upon which the House divided,

Ayes 152
Noes 190

Majority for the Commitment ... 38

List of the Minority who voted against Sir Francis Burdett being committed to the Tower.

Adam, Wm.
Adams, C.
Agar, E. F.
Anstruther, rt. hon. sir J.
Astley, sir J. H.
Babington, T.
Baring, T.
Benyon, J.
Bewicke, C.
Biddulph, R. M.
Bradshaw, hon. A. C.
Brand, hon. T.
Bouverie, hon. B.
Brougham, H.
Browne, I. H.
Brooke, lord
Byng, G.
Brogden, J.
Calcraft, J.
Calvert, N.
Cavendish, lord G. A. H.
Cavendish, W.
Cochrane, hon. G.
Cochrane, lord,
Cocks, J.
Colborne, N. W. R.
Combe, H. C.
Cooke, B.
Cotterell, sir J. G.
Creevey, T.
Curtis, sir W.
Curwen, J. C.
Cuthbert, J. R.
Dickinson, W.
Davenport, D.
Drummond, H.
Dundas, hon. L.
Ellice, W.
Euston, earl of
Evelyn, L.
Everett, T.
Fitzgerald, right hon. M.
Fergusson, R. C.
Fitzpatrick, rt. hon. R.
Fitzroy, lord W.
Foley, Tho.
Folkes, sir M. B.
Folkestone, viscount
Forbes, viscount
Frankland, W.
Giddy, D.
Giles, D.
Gooch, T. S.
Gordon, W.
Gower, earl
Gower, lord G. L.
Grant, G. M.
Grattan, right hon. H.
Greenhill, R.
Grenfell, P.
Grenville, lord Geo.
Guernsey, lord
Hamilton, lord A.
Hammet, J.
Howard, hon. W.
Howard, Henry
Howarth, H.
Hughes, W. L.
Hume, W. H.
Hussey, T.
Hutchinson, hon. C. H.
Jackson, John
Johnstone, G.
Keck, G. A. L.
Lamb, hon. W.
Langton, W. G.
Lascelles, hon. H.
Latouche, John
Lemon, C.
Lemon, J.
Lloyd, J. M.
Lockhart, J. J.
Longman, G.
Lyttleton, hon. W. H.
Macdonald, J.
Madocks, W. A.
Maitland, E.
Markham, J.
Marryat —
Martin, Henry
Mathew, hon. M.
Maule, hon. W. R.
Maxwell, W.
Miller, sir T.
Mildmay, sir H. St. John
Milton, viscount
Moore, Peter
Morpeth, viscount
Morris, E.
Mosley, sir O.
Newport, rt. hon. sir J.
North, D.
Noel, C. N.
Nugent, sir G.
Oglander, sir W.
Ord, W.
Orde, sir J.
Ossulston, lord
Palmer, C.
Parnell, H.
Peirse, H.
Percy, earl
Pigott, sir A.
Ponsonby, right hon. G.
Ponsonby, hon. G.
Porchester, lord
Portman, E. B.
Power, R.
Prettie, hon. F. A.
Price, sir C.
Price, R.
Pym, F.
Quin, hon. W. H.
Romilly, sir S.
Russell, M.
St. Aubyn, sir J.
Scudamore, R. P.
Sebright, sir J. S.
Sharp, R.
Shaw, sir J.
Shelly, T.
Sheridan, rt. hon. R. B.
Shipley, W.
Smith, G.
Smith, H.
Smith, W.
Somerville, sir M.
Symmonds, T. P.
Talbot, R. W.
Taylor, W.
Taylor, M. A.
Templetown, visc.
Thornton, H.
Tierney, right hon. G.
Townshend, lord J.
Tracey, C. H.
Tremayne, J. H.
Vernon, G. G. V.
Wardle, G. L.
Warrender, sir G.
Western, C. C.
Whitbread, S.
Wilberforce, W.
Williams, R. jun.
Willoughby, H.
Wynn, C. W. W.

HOUSE OF COMMONS.

Monday, April 9.

[Mr. John Gale Jones.] Sir *Samuel Romilly* rose and stated that he had, on a former occasion, given notice of a motion for the discharge of Mr. Gale Jones.

The *Speaker* here interrupted him, observing, that if the hon. and learned member meant to submit any motion, or enter upon any discussion which would occupy much time, he felt it necessary to apprize him that according to the practice of the House, it would be proper that a matter of privilege which he (the Speaker) had to bring before the House should have the preference.

Sir *S. Romilly* stated, that he did not intend at present to submit any motion. He had given notice, in the course of his speech on the subject debated on Thursday evening, that he would take the earliest opportunity of moving that Mr. Jones be discharged. On Friday morning he had fixed that notice for this day. But the events that had occurred since this notice was given, had induced him to think that it would be better to postpone it till gentlemen's minds were less agitated than they could be at present. He desired it might be understood that he would press his motion on the single ground that Mr. Jones had already suffered a punishment adequate to the offence. He never had any intention of resting it upon any ground of doubts as to the legality of the commitment, when he found that persons of so much more experience than himself differed from him in opinion on this point. He would not now name any day for bringing forward the motion, but it would be an early one.—He hoped he might now be allowed to say a few words respecting himself, as the subject was to him of great importance. Though no one, he hoped, could suppose it possible that he had any share in the counsels which appeared to have governed the conduct of sir F. Burdett on this occasion, yet having seen it stated in some of the newspapers that he had been at sir F. Burdett's within these few days past, he begged leave to say, that he had never been at sir F. Burdett's house either before or since the recent occurrences.

[PROCEEDINGS RESPECTING THE EXECUTION OF THE WARRANT FOR THE COMMITMENT OF SIR FRANCIS BURDETT.] The *Speaker* rose and addressed the House thus :

Upon the matter of sir Francis Burdett's commitment, I have to acquaint the House, That I did on Friday morning last at half past eight o'clock, in obedience to their commands, sign the warrants, and immediately delivered them to the Serjeant to carry into effect; specially directing him, if possible, not to delay the execution of his duty beyond ten o'clock of that morning. The Serjeant will have to report to the House the circumstances which have attended the execution of those warrants: But before the House receives that report, I have also to acquaint the House, that I did, at a late hour on Friday evening last, receive a letter from sir Francis Burdett, upon the subject of his commitment, which he desires me to read to this House; and which I shall accordingly now read to the House if it be their pleasure; but this is a matter of which I am not the master, it must be by the pleasure of the House signified to me that I should do so.

Mr. *Fremantle.* Sir, before you read that letter, I would observe, that you have omitted to state the hour at which you received it; may I beg leave to ask it?

The *Speaker.* I think I said on Friday evening, and late on Friday evening; the hour at which I received I am ready to state to the hon. member; he will permit me also to state, that there is no part of this transaction since its commencement of which I have not made notes from hour to hour, as far as they concerned myself; the hour was ten o'clock, the letter was left at my house (as I was told by my servants) by two gentlemen, who desired an answer; I read the letter and said there was no answer.

By direction of the House, Mr. Speaker then read the letter: viz.

"*Piccadilly, April* 6, 1810.

"Sir;—When I was returned in due form by the electors of Westminster, they imagined that they had chosen me as their trustee in a House of Commons to maintain the laws and liberties of the land; having accepted that trust I never will betray it: I have also as a dutiful subject, taken an oath of allegiance to the King to obey his laws, and I never will consent by any act of mine to obey any set of men, who, contrary to those laws, assume the power of the King.—Power and privilege are not the same things, and ought not to be confounded together; privilege is an exemption from power, and was by law secured to the third branch of the legislature to protect them, that they might safely protect the people; not to give them power to destroy the people.—Your warrant, Sir, I believe you to know to be illegal. I know it to be so. To superior force I must submit; but I will not, and dare not incur the danger of continuing voluntarily to make one of any set of men who shall assume illegally the whole power of the realm; and who have no more right to take myself, or any one of my constituents by force, than I or they possess to take any one of those who are now guilty of this usurpation. And I would condescend to accept the meanest office that would vacate my seat; being more desirous of getting out of my present association, than other men may be desirous of getting profitably into it.—Sir, this is not a letter in answer to a vote of thanks, it is an answer to a vote of a very different kind, I know not what to call it; but since you have begun this correspondence with me, I must beg you to read this my answer to those under whose orders you have commenced it.—I remain, Sir, your most obedient humble servant,

"Francis Burdett."

"To the Right honourable the Speaker.

The *Speaker*. The next thing the House have to dispose of is, whether this letter shall be ordered to lie upon the table; that is matter of question, and of vote; I cannot proceed further without the commands of the House.

The *Chancellor of the Exchequer* then rose, and observed, that the best way would be not to say a single syllable on the subject of the letter at present. He should therefore simply move, that it be laid on the table, to be considered on a future occasion.

Mr. *C. W. Wynne* suggested that it would be better even to adjourn the debate on the question; That the letter be laid on the table until the next day; and he moved accordingly. This motion was agreed to without any opposition.

The *Speaker*. The House will now give me leave to suggest that this may be a convenient time for receiving the report of the Serjeant.

[The House expressing a desire accordingly, the Serjeant at Arms attended at the bar.]

The *Speaker*. Report to the House the circumstances which have attended the execution of the warrant on sir Francis Burdett.

Serjeant at Arms. (Mr. Coleman) The House will permit me to read the minutes I have made upon this subject. On the morning of Friday last, as soon as I received the warrant for apprehending sir Francis Burdett, I repaired, with Mr. Clementson, to sir Francis Burdett's house, (it was then about nine o'clock) and was told by the servant who opened the door, that sir Francis was not at home: I went immediately from thence to my own house, and wrote a letter to sir Francis, telling him that I had called on him that morning for the purpose of serving a warrant to apprehend him, and convey him to the Tower, or words to that effect; I stated at the same time, that it was my wish in performing my duty as Serjeant at Arms to consult his convenience as far as it was in my power, as to the time and method of his removal; this letter I sent by Mr. Clementson, and desired him on leaving it to ask again if sir Francis was at home. A little before four o'clock I went down to the House of Commons, and was told, that sir Francis had been seen going into his house; I immediately went back, and saw sir Francis. He told me that he had written me an answer to my letter, thanking me for it, and saying, that he would be ready to receive me the next morning at eleven o'clock; at the same time he said he should write a letter to the Speaker. I then left him under the impression that he intended to go with me the next morning; and thinking that the quietest method of carring the thing into effect was the best, and having received the Speaker's advice when I received the warrant to treat sir Francis with proper respect and courtesy, or words to that effect. I may be allowed perhaps to state at this moment that I had always conceived that to have been a sufficient notice from myself to a member of Parliament, without serving the warrant perhaps in a more regular way. If I have erred in any way, I trust the House will consider that I did it from a proper motive of delicacy; that I wished to shew proper respect to a member of parliament upon such an occasion; and had I wished to carry my warrant into effect at that moment, it would I think not have been in my power, as I had no assistance with me whatever, and there was a large mob collected before the door of sir Francis's house. From sir Francis's house I went to the Speaker, and reported to him what had taken place; and the Speaker advised me immediately to go back and put my warrant into execution, and also advised me to call at the Secretary of State's Office for any assistance I conceived necessary to enable me to execute my warrant. I was detained at the Secretary of State's Office till half past seven, and then was attended by Mr. Clementson to sir F. Burdett's house. On our being admitted to him, I told sir Francis that I was sorry to inform him that I must name an earlier hour for his removal, and shewed him the warrant for taking him into custody, which he read. Sir Francis then said, that he disputed the legality of the

Speaker's warrant; I think he first said he should write a letter to the Speaker, for that he disputed the legality of the Speaker's warrant, and that nothing but actual force should make him go, which he would resist as far as it was in his power; I then thought it necessary with the Deputy Serjeant at Arms to withdraw, and lose no time in carrying the purpose into effect. I then went to the Secretary of State's Office to arrange about a force to attend me to the Tower, and found on going out of sir Francis's house that a very large mob had assembled there, and in other parts of the town; and considering the lateness of the hour, it being then about nine o'clock, and that no measures had been taken to communicate with the Lord Mayor as to his sending a force to meet me at the confines of the city of London. without which I should have been left on arriving there totally unattended by either civil or military power, I determined to put the business off till half past six the following morning; as I considered that when I should arrive with the police officers that were to attend me at the confines of the city of London, they would then have been obliged to have gone away, and to have left the carriage in which I was conducting sir F. Burdett with only myself and perhaps a messenger of the House of Commons in it, which, in the state of the town at that time, I did not think myself justified in risking; I went again to the Secretary of State's Office to arrange the necessary assistance I was to have for the next morning, and at the same time dispatched Mr. Clementson to the Mansion House, to settle with the Lord Mayor relative to the assistance he was to afford in forwarding us to the Tower. At half past six the following morning I went to sir Francis's house attended by Mr. Clementson, two messengers from the House of Commons, and about twenty police officers; on knocking at the door we were answered that sir Francis was not at home, and the servant said, he did not know when he would be in. Conceiving then that sir Francis had gone to his house at Wimbledon, I immediately set out for that place, attended by Mr. Clementson and the high constable, one messenger belonging to the House of Commons, and one police officer, leaving a messenger in sir F. Burdett's hall; on arriving at Wimbledon, I was told that sir Francis was not there; I then returned to town, and Mr. Clementson gave the warrant to the messenger who was left in sir Francis's hall, and I went to my own house, and staid there for a short time. During the time that the messenger was in the hall with the warrant sir F. Burdett returned from riding; on sir F. Burdett's coming into his house the messenger served him with the warrant, which I believe he read. He said if it was the same warrant that he had been served with by the Serjeant at Arms he should resist it, and not obey it. The messenger told sir Francis it was his duty as he was in possession of the warrant, not to leave him, but to remain with him; I fancy the messenger was not turned out by force, but he was told he was to go out, and not having any assistance he went away. On my going out again for the purpose of going to the Speaker, I was told that sir Francis had been seen in the streets; I immediately went to sir Francis's house and knocked at the door, which was opened a little way with a large chain across. On my asking the servant for sir F. Burdett, telling him my name, the servant answered, I could not come in, and shut the door upon me. On the following morning, which was Sunday, at seven o'clock I went again to sir Francis's house, attended by Mr. Clementson and some police officers, and knocked at the door several times, but got no admittance, and after waiting a short time I withdrew, and Mr. Clementson and myself by turns waited in the neighbourhood of sir Francis's house for the rest of the day and the night, thinking that he might come out again, and that we might have an opportunity of apprehending him. I also left messengers to watch the avenues to his house. I must state here that on the evening of Saturday, about nine, having great doubts as to the power I was possessed of by my warrant, I sent the warrant to the Attorney General for his opinion, how far I might be justified in making forcible entrance into sir F. Burdett's house, and on that opinion I acted this morning. The House must allow me to state from recollection what has since passed, as I have not had time to make minutes of it. I went to the Secretary of State's Office last night to request civil and military assistance to carry my purpose into effect, and this morning at ten o'clock I went to sir F. Burdett's house with twenty or thirty police officers, and a detachment of cavalry and infantry, to ensure the escorting the carriage which I had in waiting to convey sir Francis to the Tower. I thought myself justified on the opinion the Attorney General had given in carrying my duty into execution, which I was so anxious to fulfil; it had cost me a great deal of uneasiness that I had not had the means of doing it before. I forced an entrance into sir F. Burdett's house down the area, attended by some police officers, and got up into his hall, where I left a party of the foot guards and went up into a room with the police officers, where sir F. Burdett was; I told sir Francis that I had that force that it was quite unnecessary his making any resistance, however painful it was to me to proceed in this way; that he was my prisoner, and must immediately come into the carriage that was prepared for him. He asked me to shew him the warrant: I told him I arrested him by virtue of that and a former warrant he had been served with, which he had already read, and did not wish to have read again. As soon as the carriage was got round to the door, sir F. Burdett got into the carriage, attended by Mr. Clementson, a messenger, and his brother, and I on horseback attended him, and delivered him to the charge of the deputy lieutenant of the Tower. If I have in any way exceeded or not acted up to the spirit of my duty, it has been done, I can assure the House, from motives of delicacy that I wished to shew towards a member of parliament, the case being quite unprecedented, and not expecting any resistance, never dreaming of resistance, thinking that if I told sir F. Burdett he was to go with me to the Tower he would immediately have gone. I submit to the House these considerations.

Examined by Mr. Whitbread.

At what hour on Friday did you first inform the Speaker that sir F. Burdett intended to resist the warrant?—Between five and six o'clock.

Did you communicate personally with the Speaker, or write to him a letter upon this subject?—I communicated with him personally.

Where?—In the Speaker's private chamber behind the chair.

Was the House then sitting?—It was.

When did you first go to the Secretary of State's office, by direction of the Speaker?—Immediately after this period when the Speaker had told me to put my warrant into execution; it was about a quarter before six, or about six.

How soon did you see the under secretary of state?—His under secretary, Mr. Beckett, went with me from the House of Commons.

How soon did you see Mr. Ryder?—I saw Mr. Ryder I should suppose about twenty minutes after I left the House, as far as my recollection serves me.

How long did you wait at the secretary of state's office before you saw Mr. Ryder?—I had very little communication with Mr. Ryder at all upon this subject.

When had you any communication with Mr. Ryder, and what was it?—I was coming out of the secretary of state's office and met Mr. Ryder; he said, he thought the business had been very much mismanaged. I said, I was sorry to hear that, that I thought I had done every thing in my power, and was in hopes I should be borne out; I asked him, if he wished to speak to me, and he said no, and went, I believe, to lord Liverpool's: in short he went away, and I did not see him again that evening to the best of my recollection; the business I transacted was with Mr. Beckett, relative to the force I was to have.

Where did the communication between you and Mr. Ryder take place which you have related?—In the street the first time that I saw Mr. Ryder.

To whom did you apply, at the secretary of state's office, or elsewhere, in consequence of recommendation of the Speaker to apply to the secretary of state?—To Mr. Beckett, and to magistrates that were there.

What was the nature of the application made by you to Mr. Beckett?—I told Mr. Beckett that I thought I should have a sufficient civil force, and at the same time that I thought it absolutely necessary, in my own opinion, that I should have an escort of cavalry, for that police officers on foot I thought would be unable to keep up with the carriage in their way to the Tower, and that I conceived it absolutely necessary that a military escort should attend me.

What answer did Mr. Beckett make?—He referred me to the magistrates.

Who were the magistrates then present?—Mr. Read, and I think Mr. Graham, who both said, that if military assistance was found to be wanting, it would be sent to my relief.

Did Mr. Beckett, in consequence of communication with you, or during the communication with you, refer to the principal secretary of state for the home department?—I believe he might; I fancy he went out of the room once or twice: I rather believe he did.

Did he state to you that he was about so to do?—I do not recollect.

Had you any communication with any other of his Majesty's ministers previous to the period of which you are now speaking?—With none.

Did you ask to see Mr. Ryder when at the office?—I believe I must be allowed to correct myself; I saw Mr. Ryder before I left the House, for a moment, behind the chair in the House of Commons, in my way to the Speaker's chamber.

That was on the Friday?—Yes,

What passed, or did any thing pass between you and Mr. Ryder at that time?—He told me that Mr. Beckett was within the House, and that I might speak to him; I had forgotten the circumstance.

Did you, at that time, communicate to Mr. Ryder that sir Francis Burdett intended to resist the warrant?—No, I had not seen sir Francis Burdett for the second time then; I think in my way to sir Francis Burdett's I went to the secretary of state's office, and afterwards went to sir Francis Burdett the second time.

When the Speaker directed you to make application to the secretary of state's office, you had not informed the Speaker that you understood sir Francis Burdett intended to resist the warrant?—No, I only had informed the Speaker, that I had fixed eleven o'clock the next morning for going with sir Francis Burdett to the Tower.

The *Speaker.*—Before this examination is proceeded in, I would take the liberty to suggest, that I might perhaps call to the Serjeant's recollection, specifically, what passed: I had directed the Serjeant to serve his warrant, if possible, before ten of the clock that morning, assigning as my reason, that I should be desirous that he should not convey sir Francis Burdett through the streets of London in the middle of the day if that could be well avoided. The next intercourse I had with the Serjeant (if such it may be called) was by hearing from the deputy Serjeant at two o'clock that a letter had been written by the Serjeant to sir Francis Burdett. No copy of the letter was communicated to me; but the general contents were stated to me; and it was stated also, that the Serjeant would be at the House at its sitting, to report what he had done. Between three and four o'clock, being at the table of the House, information was brought to me that the Serjeant was preparing to make his report, but that sir Francis Burdett had been seen in the streets; I immediately sent out word to the Serjeant not to stop to make any report here, but to go and take sir Francis Burdett into custody: From that time till half-past five o'clock in the afternoon I heard no more; the House was then in a committee, and it was intimated to me that the Serjeant desired to speak with me. The state in which the House then was, rendering it possible, I immediately went to my private room; the Serjeant came to me there, and my first words to the Serjeant were, "All I can have to say to you is, to ask where is the receipt of the lieutenant of the Tower for your prisoner?" Thereupon the Serjeant proceeded to state, that he had seen sir Francis Burdett, and an arrangement had been made between him and sir Francis Burdett that he should go the next day to the Tower at eleven o'clock; and that was the footing on which things were left: To which I replied, "Possibly you may be in the Tower "to-morrow or sooner; but what you "have to do now is to go and take your "prisoner to the Tower, before dark;" he departed. I never heard one word of the intention of sir Francis Burdett to resist, till the Serjeant came to me again at night, between nine and ten o'clock, the House having risen that evening between six and seven; I am sure it was past nine, and that it was not ten, for sir Francis Burdett's letter came at ten; and the Serjeant then stated (as he has done now) the substance of the conversation with sir Francis Burdett, in which that passage occurred, that, "on his shewing my warrant, sir Francis Burdett gave him to understand, he should resist it," it was the relation of that conversation which gave me the first knowledge that any resistance was intended on the part of sir Francis Burdett.

Examination by Mr. Whitbread continued.

When did you next visit the secretary of state's office?—Immediately after leaving sir Francis Burdett's house, I went to the secretary of state's office.

About what time did you arrive at the office?—I should think about nine o'clock in the evening: nearly nine I think.

Did you see Mr. Ryder at that time?—No.

Whom did you see?—Mr. Read the magistrate, Mr. Beckett, and Mr. Graham I think.

What passed between you and Mr. Beckett at that time?—Very little passed; the chief conversation was relative to the military assistance I was to have, which I endeavoured to impress upon them, and they did not seem inclined to grant.

State the substance of the conversation as far as you can recollect.—I wished to impress upon them that I thought a civil force insufficient, and that I very much doubted whether I should undertake it with a civil force only of constables walking by the side of the carriage for so great a distance as the Tower was from sir Francis's house; that I thought those men would be unable to keep up with the carriage, and unable to make any resistance in case it should be attempted to rescue sir Francis Burdett.

What was the answer they gave?—Mr. Read, the magistrate, chiefly thought that it might be done with that, without military force, but that military force should be ready if any body came and stated upon oath that it was necessary I should have it. I thought this quite impossible, for that a mob might meet the carriage on the Islington road (the road I meant to take) and that if then attacked it would be too late before any military assistance could be sent from the Horse Guards to my relief; they seemed to imply that I had my warrant, and that I was to put it into execution, and that they thought those means sufficient; and rather than give up trying to effect my purpose I did consent to go to sir Francis Burdett's house, and begin my business with thirty constables the next morning, trusting to chance, and to their sending me a military escort.

How long did you remain at the secretary of state's office in conversation with Mr. Beckett and the two magistrates?—A very considerable time, till a very late hour; till twelve o'clock to the best of my recollection

Did Mr. Ryder never appear nor take a part in any of the conversations that passed?—Certainly not; those conversations passed in a room below stairs with Mr. Beckett, Mr. Read, and Mr. Graham.

Were there any other persons present besides Mr. Beckett, Mr. Read, and Mr. Graham?—Persons belonging to the office, or strangers.

Any persons?—I recollect that night Colonel Grant of the 15th dragoons came in.

When you made your communication to Mr. Beckett, did Mr. Beckett refer to the magistrates and take upon himself to give you the answer, or were the magistrates the principal persons conversing?—I think the magistrates were the principal persons conversing, but Mr. Beckett appeared to be perfectly of their opinion.

What was the termination of the conversation between you and Mr. Beckett that night as far as you can recollect, or what was the purport of the last thing said by Mr. Beckett to you that night?—To the best of my recollection, he urged me to undertake it with the force that he thought necessary.

Can you recollect what passed between Mr. Ryder and you at the House of Commons, during the short moment you saw Mr. Ryder?—Very little more than saying that Mr. Beckett was in the House I think.

What passed from you to him to induce that answer, "Mr. Beckett is in the House?"—Saying, I was going to his office, and wished to apply for assistance to put my warrant into execution.

Did you ever go to the secretary of state's office again after that second visit on the Friday night?—I did; the next time I communicated with Mr. Read, the magistrate, was on Mr. Clementson's obtaining entrance into sir F. Burdett's house, I rode on horseback down to the secretary of state's office, to tell him Mr. Clementson was gone in, and I hoped he would see sir F. Burdett, and that they should prepare for me an escort of cavalry in case I was so fortunate as to succeed in taking him into custody.

Whom did you see at that time?—Mr. Read.

Did you see Mr. Beckett at that time?—I think not.

Did you see Mr. Ryder at that time?—No; I was not three minutes there.

What answer did you obtain from Mr. Read on your application at that time?—Not a very satisfactory one; Mr. Read asked me if sir Francis was in custody? I said no, but I hoped he would be, and I wished the escort should be ready to go with us for that purpose. I had rode down to the secretary of state's office for the purpose of preparing them, that I hoped we should get up stairs as we had got into the house.

What was Mr. Read's answer?—That

he thought it would be time enough when we had got him, or something of that sort.

Was that all that passed between you and Mr. Read at that time?—Yes, to the best of my recollection nothing more; I went back then to sir Francis's house, and not finding him, I went to Wimbledon.

Did you ask to see Mr. Beckett or Mr. Ryder at that time?—I do not recollect, but I think not.

At what time did you quit the secretary of state's office, as nearly as you can recollect?—About half past seven in the morning, I think.

When did you go to the secretary of state's office again?—Sometime on Saturday evening, but I forget when; I went for the purpose of arranging another plan for the next morning.

Was is by day light?—I believe it was about twelve o'clock at night or one in the morning.

Whom did you see at that time?—Mr. Read, Mr. Beckett, and I am not sure whether Mr. Graham was there or not.

Did you see Mr. Ryder?—No.

When were you summoned to attend the cabinet council?—Last night, about half after eight, I think, or between that and nine o'clock; I was not at home when the summons came to me; I went to the Gloucester Coffee-house for the purpose of relieving Mr. Clementson, who had been waiting near sir F. Burdett's house, and I got to the cabinet council about nine o'clock, I believe.

From the beginning of the period of which you have been speaking, namely, the delivery of the warrant by the Speaker, to your appearance before the cabinet council, did you see any other of his Majesty's ministers?—I saw Mr. Perceval; Mr. Clementson reported to me that Mr. Perceval wished to see me, for the purpose of having some conversation with me.

On what day?—On Saturday; the day I went to Wimbledon.

At what time?—Between five and six o'clock, I think about half past five.

What passed?—Mr. Perceval, on my coming into the room, said, "Well, Mr. Colman, have you executed your warrant?" I said I had not been so fortunate; I said I had got into sir F. Burdett's house that morning, but that I did not think my warrant justified me in searching it.

This was on Saturday between five and six o'clock?—Yes.

What answer did Mr. Perceval make, or what further conversation passed between you and him?—He asked me as to the general usage in such cases, if I had any precedents of general usage of executing warrants of this sort.

He asked you?—Yes; this conversation was rather brought on by Mr. Perceval's thinking that the messenger should not have delivered the warrant to sir Francis Burdett, and I said that I believed there was no impropriety in it, for it was customary I fancied; the conversation between Mr. Perceval and myself was merely on his asking me as to precedents, and what view I had of the nature of my warrant; it was a very short conversation I had with him; I do not suppose I could have been in the room above ten minutes, or about a quarter of an hour, and I had no other conversation with him.

Was that the substance of all which passed between Mr. Perceval and you at that time?—I recollect Mr. Perceval advised me to take the Attorney General's opinion.

Did you, in consequence of that advice, submit a case to the Attorney General?—I did.

Who drew up that case?—Mr. Bramwell.

At what time did you refer that case to the Attorney General for his opinion?—About half past nine the same evening I went to the Temple with Mr. Clementson, about nine, or a little after nine o'clock on Saturday evening, with the warrant, and desired the attorney to get an opinion upon it as to the legality of my using force.

By the attorney, you mean the solicitor you employed?—Yes.

At what time did you receive the Attorney General's opinion upon that case?—About half past seven, or eight o'clock.

On Sunday night?—Yes, not till near eight.

Have you that case and opinion by you?—I have.

Be so good as to produce it to the House.

[The Serjeant at Arms produced the warrant, and the Attorney General's opinion.]

Attorney General.—A case was brought to me, with the warrant written in the case, upon which I was desired to give an opinion: and when I read the warrant, I found that instead of being a warrant to the Serjeant at Arms to take the body, it was a warrant to the lieutenant of the Tower to receive the body; and I was desired upon that to give an opinion whether the officer could take him? I said it was impossible that should be the warrant they were directed to execute; and after that they sent me a copy of the other warrant; as well as I can recollect, I wrote opposite to that part of the case which contained the warrant to the Lieutenant of the Tower, that afterwards the warrant to the Serjeant at Arms was produced to me.

Mr. *Whitbread*, to the Attorney General.—At what time did you receive the amended copy of the case?—Late on Saturday night.

That containing the right warrant?—Yes: I was not at home when it was first brought.

Examination by Mr. Whitbread continued.

(To the Serjeant.)—Have you got the case now?—The case consisted of a copy of the warrant.

Was that the whole of the case?—There was no addition, but a query, Whether I could force the house.

The Case, and Opinion of the Attorney General were read: viz.

Warrant.

Veneris, 6° die Aprilis, 1810.

" Whereas the House of Commons hath this day adjudged, that sir F. Burdett, bart., who has admitted that a letter signed " Francis Burdett," and a further part of a paper, intituled, " Argument," in Cobbett's Weekly Register of March 24th 1810, was printed by his authority, (which Letter and Argument the said House hath resolved to be a libellous and scandalous paper, reflecting on the just rights and privileges of the said House) has been thereby guilty of a breach of the privilege of the said House: And whereas the House of Commons hath thereupon ordered, That the said sir F. Burdett be for his said offence committed to his Majesty's Tower of London: These are therefore to require you forthwith to take into your custody the body of the said sir F. Burdett; and then forthwith to deliver him over into the custody of the Lieutenant of his Majesty's Tower of London.—And all mayors, bailiffs, sheriffs, under sheriffs, constables and headboroughs, and every other person or persons are hereby required to be aiding and assisting to you in the execution hereof.—For which this shall be your sufficient warrant. Given under my hand, the sixth day of April 1810. Cha. Abbot,

To the Serjeant at Arms Speaker."
attending the House of
Commons or his Deputy.

Query.

The serjeant at arms attending the House of Commons having in the execution of this warrant been resisted, and turned out of sir F. Burdett's private dwelling-house by force,

Your opinion is desired, Whether in the execution of this warrant he will be justified in breaking open the outer or any inner door of the private dwelling-house of sir F. Burdett, or of any other person in which there it reasonable cause to suspect he is concealed, for the purpose of apprehending him. And whether he may take to his assistance a sufficient civil or military force for that purpose, such force acting under the direction of a civil magistrate. And whether such proceedings will be justifiable during the night as well as in the day time?

Opinion.

" No instance is stated to me, and I presume that none is to be found, in which the outer door of a house has been broken open under the Speaker's warrant for the purpose of apprehending the person against whom such warrant issued then being therein. I must, therefore, form my opinion altogether upon cases which have arisen upon the execution of writs or warrants issuing from other courts, and which seem to fall within the same principle.

" I find it laid down in Semayne's Case, 5 Co. 91, that where the king is a party, the sheriff may break open the defendant's house, either to arrest him or to do other execution of the King's process, if otherwise he cannot enter. So if the defendant be in the house of another man, the sheriff may do the same; but he cannot break into the house of the defendant in the execution of any process at the suit of an individual. This distinction proceeds, as I apprehend, upon the greater importance of enforcing the process of the crown for the public benefit, than that of individuals for the support of their private rights. Reasoning from hence, I should think that the Speaker's warrant, which had issued to apprehend a man under sentence of commitment for a breach of the privileges of the House of Commons, might be executed in the same manner with criminal process in the name of the king, inasmuch as those privileges were given to the House of Commons for the benefit of the public only; and the public are interested in the due support of them.—If the act had been done, and I were asked whether it could be defended, I should say that it could;

but where it is previously known that the execution of the warrant will be resisted by force, and if death should ensue in such a conflict, the officer who executes the warrant would stand justified, or not, as the breaking of the house may be held lawful, or unlawful. I feel myself obliged to bring this under his notice, leaving him to judge for himself whether he will venture to act upon my opinion, which has no direct authority in point to support it, but rests upon reasoning from other cases, which appear to me to fall within the same principle. Should the officer resolve to break into the house, if it be found necessary, he must be careful first to signify the cause of his coming, and make request to open the doors, and not use any force until it appears that those within will not comply, and he should be assured that the party whom he seeks to apprehend is within the house. For the purpose of executing the warrant, he may take with him a sufficient force of such description as the nature of the case renders necessary. If he has reason to apprehend a degree of resistance, which can only be repelled by a military force, he may take such force with him; but in this case it will be prudent to take with him also a civil magistrate.

"I do not think it advisable to execute the warrant in the night.

"The officer should understand, that when sir F. Burdett has once been arrested, if he afterwards effects his escape or is rescued, his own house or the house of any other person into which he retreats, may be broken for the purpose of re-taking him. V. Gibbs.

Lincoln's Inn, April 8th 1810."

When did you receive the summons to attend the cabinet council?—It was left at my house at half past 8 last night, I think.

At what time did you attend the cabinet council?—About ten o'clock last night.

Where?—At the secretary of state's office.

Which secretary of state's office?—Mr. Ryder's.

Who were present at that council?—Mr. Perceval, the Attorney General, lord Bathurst, lord Westmoreland, lord Eldon, Mr. Dundas I believe, and I think, lord Camden.

Were those all the ministers present?—Lord Wellesley was there.

Was lord Liverpool also there?—Yes.

Mr. Ryder?—Yes, Mr. Ryder.

Lord Mulgrave?—And Lord Mulgrave.

Lord Harrowby?—Yes.

Do you recollect any other persons being present besides the ministers who have now been named, and the Attorney General?—No, I do not.

Was Mr. Beckett called in?—No.

Were the police magistrates whom you had before seen called in?—I cannot exactly state whether they were called in or not; they certainly were in the room where the council had been sitting. I remained some time in the other office, and then went in again; whether the cabinet council had broken up or not I cannot tell.

Were they present before the cabinet when you were yourself?—No.

What passed at that council?—I related in general terms the state that my business was in, and that I intended to proceed by force to* sir F. Burdett's house, in consequence of the opinion I had received of the Attorney General, and generally as to the circumstances how far I thought it practicable, how far I thought it likely I should meet with sir F. Burdett in the house, and so on; how far I was likely to carry my object into effect.

Were you asked, whether you had received the Attorney Genaral's opinion?—To the best of my recollection I was; I either was asked it, or mentioned it myself.

How long were you in the council?—A very short time; a very few minutes.

Did you receive any directions from them how to proceed?—No.

Did you ask for any assistance, for the purpose of executing your warrant by force?—I observed, that I thought it necessary I should have a sufficient military escort: I believe I stated that, and also some civil assistance.

What answer was returned to you?—That I should have what I required.

Was any definitive arrangement made about the whole of your proceedings for the purpose of executing your warrant?—It was considered more an act of my own to put it into execution in the best way I could; there was no instruction given me.

Was that all that passed in the cabinet council while you were there?—Yes, I think it was.

Did you afterwards go to the secretary of state's office?—I went into the next room, and saw the police officers.

Had you any communication with Mr. Ryder, the secretary of state for the home department, personally, after you were dismissed from that council?—A very few words indeed passed between Mr. Ryder and myself, if any; I transacted the business of that office with Mr. Beckett.

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* Qy, enter.

Did any words pass between you and Mr. Ryder after that cabinet council was over?—He might have asked me a question of no importance, but I do not recollect any conversation; I do not believe a word did pass.

Did you receive any directions or instruction from Mr. Ryder personally?—Not the smallest.

Did you receive any directions or instruction from Mr. Ryder through Mr. Beckett?—No, none.

What was the subject of the conversation which passed between you and Mr. Beckett, after you were dismissed from the cabinet council?—I told him I had determined upon proceeding to sir F. Burdett's house next morning, and I put down upon paper the amount of the force I thought necessary.

That you delivered to him?—Yes, I did.

What reply did he make?—That I should have them; that he would order them.

Were they ready accordingly?—They were.

Have you at any time had any communication with any of his Majesty's principal secretaries of state upon the subject of this warrant, excepting those short communications which you have mentioned with Mr. Ryder, the one in the House of Commons, and the other in the street, and the other about which you are doubtful, after the cabinet council was over?—None.

Had you with any other of his Majesty's ministers, excepting the conversation you have related with Mr. Perceval?—No, none.

Examined by the Chancellor of the Exchequer.

Upon every application that you made to Mr. Beckett, were you not always told that you should have whatever force you thought necessary to assist you in the execution of your warrant, and were not you referred to the magistrates to apply to them for such force as you might require?—I frequently applied to the magistrates, and they told me they did not conceive a military force necessary for the putting my warrant into execution in the first instance, meaning, I believe, that they thought military assistance should not be afforded till blows had actually taken place, till the event had taken place; my opinion was it would be better to have it to prevent any accident happening, than to send for it when the battle had already begun.

Did not Mr. Beckett uniformly inform you you should have every assistance you required, and refer you to the magistrates to apply for such force as you might require?—Yes, but that was always subject to the magistrates making the objection stated, and I was on Saturday night on the point of leaving the House, and did actually leave the house because I would not proceed to carry my warrant into execution with means that I thought inadequate; I afterwards returned, and said I would undertake it rather than there should be more delay.

Am I to understand you that you wished the magistrates to furnish you with military force, in the first instance, to make this arrest?—Yes, I did.

To go with the military to make the arrest, rather than with the civil magistrate?—Yes; and for this reason, that I thought there would be some resistance when I got into sir F. Burdett's house: and when he was put into the carriage, there being a very considerable number of people about the house, I thought he would be quite as likely to be rescued before they could send to the Horse Guards for assistance, as at any other time: I felt the necessity of it at the beginning; and I thought that when sir F. Burdett was put into the carriage, some cavalry should be at the sides of it, that there should not be a rescue in the first instance.

When was the first occasion of your applying to the secretary of state's office; was it before or after sir F. Burdett had told you he meant to resist the warrant?—Before: the first time I saw sir F. Burdett, when I came out of sir F. Burdett's house, I think there were three hundred people before it; when I first came down to the House to report to the Speaker that I had seen him; there was a very large mob before the door; I forget how many; if that mob had been there, I certainly could not have undertaken it without a military force I think.

You have stated that you saw Mr. Perceval on the Saturday afternoon; did you not tell Mr. Perceval at that time, that the warrant that had been given by the Speaker to you for the arrest of sir F. Burdett had been delivered by a messenger to sir F. Burdett, and had been left with him?—I did.

Did not Mr. Perceval express his surprize that when you had had an opportunity of seeing sir F. Burdett with the warrant, you did not actually arrest him?—He did.

Do you recollect whether Mr. Perceval did not enquire what passed between the messenger and sir F. Burdett; whether the messenger had touched sir F. Burdett when he served him with the warrant?—I do recollect it.

Did not Mr. Perceval express his regret on finding that neither you nor the messenger had, upon either of those occasions actually touched him as your prisoner?—He did; I believe I replied, that I did not consider in serving a member of parliament with a warrant that form was necessary from me to him, but that the very shewing it, as I believed was always customary, would be sufficient.

Did you express to Mr. Perceval what your intention was with respect to endeavouring to procure another warrant in consequence of having lost the former?—I believe I said I should procure another, which I did; there was another procured immediately.

You applied to the Speaker for another?—I did.

Do you recollect asking Mr. Perceval for his opinion and advice, whether or not you could legally break open the outer door of sir F. Burdett's house under the authority of the Speaker's warrant?—I rather I believe I did; I remember the Chancellor of the Exchequer did me the honour I think to give me his opinion; if I recollect right, the Chancellor of the Exchequer seemed to be of opinion, that having once entered the house, I might have gone up stairs and proceeded to search it.

Was not that in consequence of your having expressed to Mr. Perceval, that when you were in the house you did not feel yourself at liberty to search?—Certainly it was.

Did not Mr. Perceval state, that whatever question might be raised with respect to the outward door, there could be no doubt of the right to search any part of the house, and to break open any inner door when you were within it?—Yes, Mr. Perceval did. My doubt arose from having asked the Speaker, whether I could employ force upon my warrant, whether I could break open the door in case I could not enter it without; and his having replied, that he could not give me an opinion upon the subject, he really did not know; and I conceived that they were one and the same thing, being ignorant of the law, that breaking a door up-stairs might have been construed into the same sort of offence as breaking an outer door.

Do you recollect upon your asking Mr. Perceval for his opinion and advice as to breaking the outer door, that he stated to you, as far as he had an opinion of his own, that he thought you might break the outer door, but that knowing there were legal doubts entertained upon the subject, he could not undertake himself to advise you how to act upon that head?—I do recollect it.

Was it not then that Mr. Perceval asked you whether you had in your office, any record or any precedent from whence you were possessed of the decision of that question by what had been done before on any former occasion?—No, I think not; I think it was upon the messenger's question, upon whether a messenger was empowered to serve a warrant upon a member of Parliament, and I have since found precedents upon that subject.

Did not Mr. Perceval state to you that you had the duty to execute, and that if he was in your situation, and had any legal doubt as to the manner of executing it, he should feel himself bound to take the best legal advice upon the subject that he could?—Certainly he did.

Was it not upon that occasion that Mr. Perceval recommended you should take the advice of the Attorney General?—Yes.

With respect to your attendance at the cabinet council last night, are you sure of the time at which you attended it, was it not later than the time you have mentioned?—I think it might be.

Was it not between twelve and one?—It might have been between twelve and one.

Had you not been at the Secretary of State's office before in the afternoon, seen Mr. Beckett, and told him that you would return again after having consulted some friend as to the execution of your warrant?—I had.

When you attended the cabinet council, were you not asked what you intended to do with respect to the execution of the warrant, as it was important for his Majesty's Government to know what steps ought to be taken according to your determination?—I rather believe that was the first question that was asked me.

Upon your stating that your determina

tion was in execution of your duty, to attempt to execute the warrant, whatever resistance might be opposed to you, were you not informed that every assistance you required, military or civil, should be furnished to you to effect your purpose?—I believe I have already stated that every assistance I required last night was promised me.

Were you not desired to retire and to consult the magistrates, to make your arrangements, and to require what force you thought necessary?—Yes, I was.

At what hour on Friday morning did you receive your warrant?—I think at 9; the House broke up about 8, and it was some time making out.

How came you not to proceed to execute it immediately?—I did; I went immediately upon receiving the warrant, as I have already stated, from the House to sir Francis Burdett's house, and, as I have already stated, did not find him at home.

You wrote him a letter?—I did.

How came you, intrusted with the execution of a warrant, to write a letter to the person upon whom you were to execute that warrant?—Because I wished to see the person as early as possible that I might appoint a time for his going to the Tower, and on not finding him at home, I thought it necessary to write to him, hoping to hear something of him.

When did you see him first?—On the same day.

At what hour?—About 4 o'clock, I think it was.

How came you not to take him when you saw him?—I have always considered that when a member of Parliament has been taken into custody (and I believe it has been always customary) there was a courtesy of behaviour between the Serjeant at Arms and a member of Parliament, that it was never customary to do more than to state to a gentleman that he was in custody, or to write him a letter; indeed I believe I can bring an instance where a member of Parliament was ordered to be taken into custody at Taunton in Somersetshire. A messenger was sent down to apprehend him, and a friend went in the chaise with him; I believe the messenger, through delicacy, was left six or seven miles from Taunton, and the friend went forward and brought the member with him; it was not considered that any thing else was necessary from precedent.

Was not that the case of a person taken into custody for not attending a call of the House?—I forget.

When you saw sir Francis Burdett on the Friday afternoon, was there any mob at sir Francis Burdett's house, or was there any thing that could have then prevented you, if you had chosen to execute your warrant, from executing it?—There was a considerable mob, and as I went alone, and quite without any assistance, I could not have taken sir Francis Burdett away, if the mob had chosen to resist.

When did you see sir Francis the second time?—On the same evening, as I have already stated, when the Speaker desired me to go back and put my warrant into execution.

Was there a mob then that would have made it imprudent, in your opinion, to carry your warrant into execution?—No doubt about it, and particularly as it was dusk, and no communication had been made with the Lord Mayor, I think it would have been extremely imprudent.

You saw the secretary of state that evening?—I did.

Did you inform the secretary of state, or any body at his office, that there was such a mob about sir Francis Burdett's house as was likely to prevent the execution of your warrant?—I stated to Mr. Beckett that there was a mob about sir Francis Burdett's house, and also, that no communication had been made with the Lord Mayor. I really believe I stated that then.

Did you at that time (Friday night) apply to the secretary of state's office for any assistance to carry your warrant into execution?—No, not that night, considering that as the Lord Mayor had not been communicated with, whatever force was granted to me, whether civil or military, must be left behind at the confines of the city of London.

How did you know that the Lord Mayor had not been communicated with?—Mr. Read the magistrate stated to me, upon my leaving the secretary of state's office, that there was that objection, that he thought it necessary to put me into possession of that objection. I believe Mr. Beckett went soon after, and had communication with the Lord Mayor; but I am not certain.

When you went to the secretary of state's office, was the want of communication with the Lord Mayor one of your reasons for not applying for assistance from the secretary of state's office?—No;

I do not know that it had occurred to me then.

You heard at the secretary of state's office, that no communication had been made to the Lord Mayor, and that that was a difficulty in your way?—I was told that by Mr. Read in the secretary of state's office, to the best of my recollection.

Do you know whether any communication was made to the Lord Mayor after that?—I myself went to the Lord Mayor, I went on Saturday night to arrange for Sunday morning; and Mr. Clementson went last night to arrange for magistrates to take us on this morning.

By whose direction did you or Mr. Clementson go to the Lord Mayor to make that arrangement?—I rather think that I went to the Lord Mayor upon its being told me that I must apply to the chief magistrate to furnish me with assistance.

Do I understand you right, that, being told at the secretary of state's office that no communication had been made to the Lord Mayor on the Saturday night, you went to the Lord Mayor yourself?—No; Mr. Read told me, no communication had been made on the Friday night. On the Saturday night I went to the Lord Mayor myself.

Do I understand you right; on Friday night Mr. Read told you at the secretary of state's office, that there was no communication made to the lord mayor, and in consequence of that, on the Saturday night you went to the lord mayor yourself?—Yes, meaning to carry my purpose into effect on Sunday, if possible.

When did you go to the secretary of state's office the second time?—I must beg leave to refer to the minutes; I do not recollect at this moment.

Was it on Saturday or Sunday?—I went two or three times in a day, I think I may have gone twice on Sunday; I went backward and forwards to communicate.

When did you tell the secretary of state, or any person in the office, that you required force to carry your warrant into execution?—On Friday evening, after I found that sir Francis Burdett meant to resist; on Friday evening, to be ready on Saturday morning.

When did you first state to the secretary of state's office that you required force to carry your warrant into execution?—The first time I went there, I believe.

On Friday evening?—Yes.

What answer did you get?—That I should have a proper force, a civil force; and when found necessary, a military one; but we differed as to the necessity.

Then one of the reasons that you had for not executing your purpose sooner was, that till this morning you had not a sufficient force, in your estimation, to carry your warrant into effect?—No, I cannot say that. I undertook it once, when I really thought that I ought to have had a military force; but I undertook it with constables only.

Examined by sir John Anstruther.

Had you at any time, till this morning, such a force as you thought yourself quite sufficient to execute your warrant?—No, never till this morning; never till this morning had I military force in the first instance, except that I think on Sunday morning, the day I knocked at the door and did not get entrance, there was a military force patrolling before the house to disperse the mob; I imagined then I should have them as an escort, if necessary, but that was the only time till last night that I had a *carte blanche*; that I had exactly what I required; that I named my whole force.

On Friday night you informed the secretary of state's office that you required force?—Yes.

Until this morning, you never had so great a force as you thought quite sufficient to carry your purpose into effect?—Never, with the exception of the cavalry which was patrolling, but they were not granted to me.

I do not ask you as to troops patrolling the streets, but whether you had a sufficient force appointed to carry your warrant into execution?—No.

When did you see Mr. Perceval?—On Saturday afternoon.

Was it by your desire that you saw Mr. Perceval, or was it his desire to see you?—Mr. Perceval's desire to see me; Mr. Perceval signified to Mr. Clementson, the Deputy Serjeant at Arms, that he wished to have some conversation with me upon the subject of my warrant, and I attended him.

You saw the Speaker about nine o'clock on Friday evening, when you first informed him of resistance?—It was after I had seen sir Francis Burdett for the second time, which was on Friday evening about nine o'clock.

When you saw Mr. Perceval, did you

inform Mr. Perceval, as you have stated here, that the Speaker had told you he did not know whether you might break open the door for the purpose of entering the house?—Yes, I did.

Are you quite sure the Speaker informed you of any such thing?—The Speaker, with his usual kindness, gave me his opinion upon the question I asked him, in that candid fair way that he does upon all occasions.

Are you quite sure that the Speaker said to you, he did not know whether you could break open the door or not?

The *Speaker.*—If the Serjeant has any doubt upon this point, and one or two other points, I would beg to state to the House the recollection I have upon the subject. In the early part of his evidence, the Serjeant did appear to intimate, that he had informed me that resistance was to be expected from sir Francis Burdett, when he saw me here at the House, and the House was sitting; I wish the Serjeant to recollect, whether when he came to me, the House then sitting and I in my private room, and when I asked him whether he had brought the receipt of the lieutenant of the Tower for his prisoner, he did not at that time mention, that on the contrary, it was then settled between him and sir Francis Burdett that he should go the following day?—Yes.

The *Speaker.*—Did you not afterwards see me between nine and ten o'clock at night, after you had seen sir Francis Burdett the second time, and after you had read the warrant to him, and after sir Francis Burdett had answered that he should resist that warrant?—Yes.

The *Speaker.*—Recollecting these two conversations with me, at what time do you think it was that you first informed me of sir Francis Burdett's intention to resist the warrant?—The last.

The *Speaker.*—And not the first?—And not the first undoubtedly.

The *Speaker.*—So that the first intimation from you to me of the intention of sir Francis Burdett to resist the warrant, did not come to me till between nine and ten on Friday night?—No.

The *Speaker.*—Upon the other point upon which the Serjeant has been asked, I wish to state to the House correctly what the conversation was that passed, and the opinion which he appears to have reported to the chancellor of the exchequer. The Serjeant came to me at eleven at night, after I had received sir Francis Burdett's letter; he said he had seen the magistrates at the secretary of state's office, and the magistrates there entertained great doubts whether they could break open an outer door, and, as I understood the Serjeant refused to proceed to that execution of the warrant which should require an outer door to be broken. The Serjeant applied to me for my direction: Upon that occasion, as upon all others, I thought it my duty to yield the Serjeant all the information in my power, but never to give him orders or directions as to the specific mode by which he was to carry his warrant into execution.

Serjeant.—That is perfectly correct.

The *Speaker.*—In my desire to give to the Serjeant all the assistance I could, I stated to him that I really did not know of any parliamentary instance upon this point, of breaking outer doors; but I added, that I concluded the magistrates would execute this to at least the same extent as they would any process for criminal contempt of any inferior court; that they must be in the habit of directing or executing that process, and I conceived they would follow that line. This I believe was the substance of the conversation that took place upon the occasion. In the conversation with the Serjeant in my room, after my remonstrance for his not having executed his warrant, he may recollect that I told him he should not have lost sight of his prisoner when he once saw him, and that (as indeed I had informed him in the morning) if aid was wanted he might have it at the secretary of state's office; that I had found it my duty to enquire what aid would be given to my warrant; and that I had been told aid would be given there if applied for.

Examination continued by sir John Anstruther.

(To the Serjeant.)—Who was it first suggested to you any doubt about executing the Speaker's warrant by force?—I had a conversation with Mr. Read the magistrate about it, but I do not recollect who suggested it to me first.

Was it suggested to you at the secretary of state's office?—No, I think not.

Did you see Mr. Read any where but at the secretary of state's office?—Never any where else except meeting him in the street; I never did business with him but at the secretary of state's office.

Was it Mr. Read who suggested it to you?—To the best of my recollection it was; but I am not positive.

Was the idea of taking the opinion of the Attorney General upon the subject ever suggested to you till it was suggested to you by Mr. Perceval?—Never, I believe.

Would you have delayed the execution of your warrant if you had had sufficient force, till you had taken a legal opinion, if it had not been suggested to you?—I should have delayed it, I think.

When you executed the warrant this morning, do you know who were in the house at the time that warrant was executed?—I do not know; I believed sir F. Burdett to be in the house.

Whom did you see when you went there?—Sir F. Burdett and his family.

Any body else?—There were two ladies, sir F. Burdett's brother, and some other gentleman; I do not know who he was.

Did you know the other gentleman?—No, I did not know any gentleman personally but sir F. Burdett and his brother.

When you first applied to Mr. Beckett for assistance to carry your warrant into execution, what answer did you receive?—That I should have force; that he would give it me.

Did not Mr. Beckett say that the magistrates were the proper persons to apply to, and that you would find them in a room below?—I think he referred me to the magistrates; at the same time I believe he said that he would afford me any force I thought necessary; we differed as to the military force, when we differed in opinion.

Mr. Beckett introduced you to the two magistrates sitting in a room below?—Yes, he did.

Upon application to those magistrates for force to carry the warrant into execution, were any and what doubts expressed as to the propriety of their granting it?—No doubts at all; they were ready and willing to grant it in the way they thought sufficient; but we differed upon the nature of the force.

Was it not suggested by those magistrates, that to entitle yourself to assistance from them, you must state a case of resistance?—Yes.

Were you not required to make affidavit to some overt act of resistance, before they would feel themselves warranted to grant that force?—Mr. Read did state that it was necessary for me to make an affidavit of the conversation that passed between sir F. Burdett and myself as to his resistance, previous to his granting me a force.

Upon statement of that conversation, did Mr. Read acknowledge himself ready to give you any force, and of what nature? Mr. Read conceived at first it was necessary I should make an affidavit; I rather objected to it at first; afterwards I told him I had no objection to swear to any thing I had stated, and that I had no objection to make an affidavit; but he still objected to a military force unless in case of resistance.

Did not Mr. Read grant you the civil force that you required both on Saturday and Sunday?—Yes.

Was it suggested to you, by either of those magistrates, that having been in the presence of sir F. Burdett, his not being in your custody had placed him in the situation of an escape?—I think he stated it might be liable to that imputation.

Do I understand you that the magistrates were ready to grant you any extent of civil power that you should require then upon the statement you made, and that they were further ready to give you the assistance of the military in case of your making affidavit of some overt act of resistance, and of the incompetency of the civil power to do the work?—Most certainly.

In your interview with Mr. Perceval on Saturday, did you complain of the force you thought requisite not having been afforded to you?—No, I do not recollect that I did.

When was the first time that you applied at the secretary of state's office for any assistance, was it not the Friday evening?—Yes, it was.

Were not you then told by Mr. Beckett that you should have any civil aid that was necessary, and such military aid as the magistrates might think was requisite to assist them in the execution of their civil office?—Most certainly.

Were not you referred to the magistrates to furnish you with the civil aid, and to take their judgment whether that civil aid was sufficient without the aid of the military, and to take the military if they thought the civil insufficient?—No doubt of it, but I had my own opinion upon it, which differed very much from theirs. I did not myself think that sufficient.

By "theirs," do not you mean the magistrates?—The magistrates.

Did not you wish to have the military

in the first instance for the purpose of executing the warrant?—Not in the first instance, when I went out of the House of Commons to call at sir F. Burdett's.

In the first instance, after you had seen sir F. Burdett?—In the first instance, after I had seen a mob at sir F. Burdett's house, I did think military assistance was absolutely necessary.

Did not the magistrates express a disinclination to employ the military, until they were convinced that a civil force was insufficient?—Yes, but I differed with them.

By Lord Ossulston.

Did not you conceive, that though you were to be furnished by the secretary of state with a military force for the execution of the warrant, the responsibility of the execution would fall upon yourself; and that therefore, if death should ensue, and the warrant should be found to be illegal, you might become subject to an indictment for murder?—I certainly considered that I was the responsible person in executing that warrant.

Did you not think from the opinion given you by the attorney general, and from the communication you had with his Majesty's ministers, and also with the Speaker, that that responsibility was of a very serious nature?—I certainly thought that it was, but I executed it upon the opinion given me by the attorney general, and wishing to carry my purpose into effect.

By Mr. H. Sumner.

After your last interview with the cabinet council, did you conceive you had any other guide than your own discretion in acting upon the opinion of the attorney general?—No, none, that I acted quite upon my own responsibility.

By Mr. Adam.

In the course of your proceeding upon this warrant, did you at any time make application to the sheriff of Middlesex?—I did yesterday shew my warrant to the sheriff of Middlesex, sheriffs Wood and Atkins; they came opposite sir F. Burdett's house to quell the mob; and at the Gloucester coffee-house, where they had a room, I shewed them my warrant, and told them I should call upon them for any assistance I might require to execute my warrant, in case sir F. Burdett came out.

Were both the Sheriffs there?—Yes; both Mr. Sheriff Wood and Mr. Sheriff Atkins.

What did they say upon your shewing them the warrant, and saying you should ask for their assistance?—They said, in the first instance, they would afford me any assistance: it was on the supposition that sir F. Burdett came out of the house that I asked it, and being on the spot, I thought it proper to shew them my warrant, and they said they would do every thing in their power.

They said they would give you assistance if it was required?—They seemed to be most completely disposed to do every thing that was most kind by me.

In point of fact, did not Mr. Read inform you, that on Saturday morning he had applied for a captain's guard to be ready to escort the prisoner in case of caption, and did you not decline that captain's guard, saying, sir F. Burdett was not at home?—Yes; but I never considered a guard being ready for me as sufficient, because I should have had to have sent for it when the evil had begun.

Did you not on Sunday morning pass Mr. Read on horseback in the character of a magistrate attending the captain's guard, knowing that that captain's guard was for the purpose of escorting sir F. Burdett, when he should become a prisoner?—I have already stated, that on Sunday morning I found a party of the horse guards, with Mr. Read at their head, in front of sir F. Burdett's house, and I was rather surprised to see them, for when Mr. Read and I parted on Saturday night, it was only settled that they should be in readiness as before: I believe I have already stated, that I make no doubt that if sir F. Burdett had been captured, that party would have been ordered to escort him, which was exactly what I wished, to have them before the door ready to go, and not to have to send for them when the evil had begun.

You having expressed surprize at seeing them, did not Mr. Read, throughout the whole transaction, express his readiness and wish to support you, but his absolute inability to support you with a military force, consistently with the duties of his office, till some overt act of resistance was made?—Yes; I have said so at all times, but I thought they ought to be there before the necessity began.

In the interview you had with the Under Secretary of State on Friday evening, did not he state his opinion that you had been extremely backward in the execution of your duty, and that you would therefore have rendered yourself responsible for all consequences?—I think he did; I believe I answered, that I thought I should bear myself out, and that I had done my best, or something to that effect.

By Mr. Stephen.

When you first saw sir F. Burdett, he did not intimate any intention to resist?—None.

Did he object to the legality of the warrant?—He did not; all that passed was, that he said he should write a letter to the Speaker, and he would be glad to receive me the next day: he said, "I have already written to you, to say I shall be glad to receive you to-morrow at eleven o'clock;" and he merely said, that he should write a letter to the Speaker.

Had not you previously asked him to appoint a time for going with you to the Tower in the execution of the warrant?—Yes, what would be the most convenient time to him.

Did you not understand that appointment to be for the purpose of going with him to the Tower?—No doubt about it.

Had you any expectation, that, having gone at that hour, you were to meet any resistance?—Not from sir F. Burdett, certainly; there might have been from the mob in the street; I never dreamt of it from sir F. Burdett.

Was not the expectation of sir F. Burdett complying with the warrant, the reason you did not then take him into custody?—I was under the impression that he would go quietly with me to the Tower the next day.

Do you possess a copy of the letter you wrote to sir F. Burdett?—I do.

The same was then delivered in, together with sir F. Burdett's answer, and are as follow:

"24, Lower Brook-street,
Grosvenor-square, 6th April 1810."

"Sir; Having received a warrant from the House of Commons, and an order from the Speaker, to wait on you to convey you to the Tower; I called at your house this morning at nine o'clock, and was informed that you were not at home.—I shall be much obliged to you, to let me know when I can see you, that in doing my duty as Serjeant at Arms, I may not be deficient in paying every proper attention and respect to you; wishing to consult your convenience as to the time and mode of your removal. I have, &c. Francis J. Colman,
Sir F. Burdett, bart. Serj. at Arms."

"Piccadilly, April 6, 1810."

"Sir; I have just received your polite letter, and shall be at home to receive you at twelve o'clock to-morrow. Your's, &c.
Francis Burdett."
"F. J. Colman, esq."

What was the precise military force, in point of number, which you conceived to be necessary to enable you to perform your duty?—That would depend very much upon the state of the town, as to the number of the mob; and if the town was quiet, I should have wanted no escort at all perhaps, but it depended upon the state of the town as to tumult, and what the number of men assembled were at the moment.

What was the first demand made by you for a military force?—When I intended to take sir Francis Burdett to the Tower, on the Friday.

On which day, at what time, and to what person, did you make your first demand for a military force?—On Friday afternoon?

What was the force you then demanded?—I do not recollect; I do not know that I named any number.

At any subsequent time, did you make a demand for a specific military force?—Last night I was asked what force I required, and I stated 300 infantry and 500 cavalry; I thought it better to have too large than too small a force, as I thought the larger my force was, the less likely it was to meet with resistance, and that there would be less probability of bloodshed.

You did not demand, till last night, that force which you have stated to be necessary for carrying into execution your warrant this day?—I am not certain whether I stated any particular number at any time before.

Did you, on any of the occasions when you were in the secretary of state's department, or in communication with Mr. Beckett, demand an audience of Mr. Ryder, or desire to see Mr. Ryder?—Never.

By the Chancellor of the Exchequer.

On the Friday evening, when you asked for a military force first, was it not on that occasion Mr. Read asked you whether you had made any arrangement with the Lord Mayor, as to the attendance of a magistrate to escort you into the city?—I believe it was, and I answered that I had not.

Did he not then state to you, that without a magistrate of the city attending to meet you, the military might probably object to go, and the magistrate that attended you to the city could no longer act in that character?—Yes; and I also understood that in the course of the same night the Lord Mayor rather made an objection to admitting the cavalry into the city, which objection he afterwards did away.

Did not Mr. Read state to you, that he could not act as a magistrate beyond the confines of his own jurisdiction?—No doubt of it.

Did he not tell you, that in his opinion, it would be necessary to have a magistrate to attend the military force that attended you?—No doubt about it.

By Sir Charles Burrell.

You stated, that in the first instance the sheriffs offered you every assistance; did you from that, wish the House to understand that in the second instance they did not?—No, it was merely a civil answer, a general disposition to shew attention to me and to serve me.

Was there any difference or distinction in the line of conduct the two sheriffs took in proffering such assistance as you might want; was one more ready than the other to proffer that assistance, or was there any difference in their line of conduct?—They were at dinner; there was some conversation respecting my carrying my warrant into effect, there was no difference in the disposition they shewed me, but I had asked them for nothing particular.

By Sir Charles Price.

In your communication with the Lord Mayor, what answer did you receive from him respecting the assistance he would grant?—I received every attention from my Lord Mayor; he told me that his jurisdiction, the city, I should find perfectly quiet when I came. I pressed him to allow the cavalry I took with me from hence to pass through the city, about which there had been some little doubt at first, and he was obliging enough to wink at it; in short, to afford me every assistance I could expect.

You had no doubt in your own mind you should receive every assistance from the Lord Mayor?—No, on the contrary, there was every disposition shewn.

By Admiral Markham.

Did you consider it your business, or that of his Majesty's government, to make an arrangement with the Lord Mayor?—I believe the under secretary had communicated with the Lord Mayor, he communicated with somebody on the subject of the magistrates meeting me.

Were you left to make the arrangements with the Lord Mayor?—I do not know that any body, except myself and my deputy, had any communication with the Lord Mayor on the subject; I either went myself or sent my deputy.

By Mr. Parnell.

In the interview you had with sir Francis Burdett on Friday, did he tell you he would go with you on Saturday at eleven o'clock to the Tower, without making resistance?—No; all that passed between sir Francis Burdett and myself was, "I "shall write a letter to the Speaker, and I "shall be ready to receive you to-morrow "at eleven o'clock."

By Sir George Hill.

From sir Francis Burdett's conduct to you, upon that occasion, coupled with the answer which you received to your note from sir Francis Burdett, did you not expect things to have been so conducted upon the following morning, that he would go with you to the Tower without resistance?—Yes; I thought so certainly at that time.

[Then the Serjeant was directed to retire from the bar, and he retired accordingly.]

Mr. *Whitbread* then begged leave to ask the Attorney General, whether he had not been consulted upon the warrant previous to the case being laid before him by the Serjeant at Arms?

The *Attorney General* replied, that he had been sent for to the Council, and had been consulted in the capacity of Attorney General. If the House thought it fit that he should state what was asked of him on that occasion, he had no personal objection.

Mr. *Whitbread* thought the question ought to be answered.

The *Chancellor of the Exchequer* doubted very much whether the principle should be admitted, of requiring from one of the law officers of the crown an account of what passed at the council at which he was required to attend. It must be recollected that this was not a grave enquiry respecting the conduct of his Majesty's ministers; but the examination of the Attorney General was only incidental to an examination of the Serjeant at Arms, who was giving an account at the bar of his manner of executing a duty imposed upon him. He was so convinced that secrecy was necessary for confidence, that he did not like to establish such a precedent as this, although he did not think the question asked was subject to any other material objection.

Mr. *Whitbread* conceived it of very great importance that the House should have an answer to the question which he asked, and which appeared to him to affect very seriously his Majesty's ministers. Every body knew and greatly lamented that from Friday morning to the present day this great metropolis had been a scene of the utmost tumult and confusion, and that the most calamitous events had taken place. Many persons (he did not know how many) had been slain. The argument which he wished to submit to the House was this: until Friday morning there was no question at all about the value of the Speaker's warrant, and yet the House were now informed, that although that warrant had been signed on Friday morning, the Serjeant at Arms was advised by ministers on Saturday evening to lay a case before the Attorney General, who returned his opinion on the case on Sunday evening. It was, therefore, necessary that the House and the country should know how it happened, that it should be necessary to take the Attorney-General's opinion on the Saturday, upon a subject that there was no question of on Friday.

The *Chancellor of the Exchequer* said, that there never had been any doubt or question about the validity of the Speaker's warrant. The only question was, whether in the execution of this warrant the Serjeant had any right to break an outer-door.

Mr. *Whitbread* said, that he had not used the word validity. He had said the value of it, which, in common language, implied the extent of its operation.

Mr. *R. Dundas* said, that it appeared to him a novel and extraordinary doctrine for gentlemen on the other side of the House to maintain, that it was the business of government to controul and direct the Serjeant at Arms in the execution of his duty. He appealed to the Chair, whether it was not irregular to put questions to members similar to that which was now put to the Attorney-General.

The *Speaker* said, that it certainly was not regular to examine members, unless when the House were on an enquiry.

The *Chancellor of the Exchequer* afterwards withdrew his objection, and the question was suffered to be put; viz.

Were you consulted upon the subject of the Speaker's Warrant, as directed against sir Francis Burdett, at any time previously to the case being submitted to you upon the part of the serjeant at arms?—I was never consulted upon the legality of the warrant, but I was consulted upon the question, whether it could be executed by breaking the outer door of sir Francis Burdett's house.

When, and by whom?—On the Saturday morning I was desired to attend the council, and I did attend it; I cannot charge my recollection with the time, I can recollect, from the effects of having sat up so late the preceding night, it was extremely late; I should think it was about one or two o'clock, but I will not pretend to speak to the time. I was asked at the council what I thought of the legality of so executing the warrant, I mean, by breaking the outer door of the house; it was a new question; it arose upon the execution of a warrant, with the mode of executing which I was in practice unacquainted. No instance could be stated to me in which such a warrant had been executed by breaking the outer door of the house; I could therefore only reason from analogy to other cases in the law, which I had in my recollection. The tendency of my opinion certainly then was, that it might be so executed; that is, that the Serjeant had a right, having demanded entrance, and being refused, and having stated the ground upon which he demanded entrance, namely, to execute such a warrant, that he would be justified in breaking the outer door of the house. I stated at the same time that it was a question new, for the reasons I have stated, and that I could not give a decided opinion; but that as far as my opinion went, which was the result of reasoning and not of any authority upon the particular point, I thought it might be so executed.

Was that all that passed at that Council upon the subject of the Speaker's warrant?—That was the substance of what passed;

I think I also stated the consequence that might arise to the Serjeant in so executing this warrant, if he were not justified in law; that if any conflict should take place, and a death should ensue (pretty much in the terms I afterwards used in my Opinion) he would or would not be justified, as that mode of executing the warrant might be deemed legal or illegal; and I think I stated likewise, that if any thing fatal were to happen to himself, and it should be held that his mode of executing the warrant was illegal, no person resisting such an execution of the warrant would be criminally answerable for that circumstance.

Sir *Mark Wood* moved, that the messenger who accompanied the Serjeant at Arms to sir F. Burdett's house on Friday night, should be called in and examined.

Mr. *Jacob*, in rising to second this motion, took occasion to observe, that the inquiry should take a wider range than gentlemen appeared to have in contemplation. The object of all the interrogatories seemed to be to criminate the Serjeant at Arms, the ministers, or the prisoners, and for this purpose only one witness was examined. Nothing had as yet been gone into to affect the criminality of the prisoner, or to expose any of his secret advisers, whether members of that House or not. (A loud cry of name, name!) He only meant to suggest the propriety of extending inquiry upon this subject, in order to ascertain whether any member of that House, or who had recently advised sir F. Burdett to resist the authority of the Speaker's warrant. It appeared to him that the House had at least as much right to call upon any member to violate his confidential counsels with sir F. Burdett, as it had to call upon the law officer of the crown to violate his consultations with the king's cabinet.

Lord *John Cavendish* rose to order. He conceived the hon. member to be quite wandering from the question properly before the house.

Mr. *Ponsonby* also rose to order; but

The *Speaker* interposed and expressed his opinion, that the hon. member was not out of order; as he was only adducing arguments to fortify the proposition before the House for further inquiry.

Mr. *Jacob* resumed and observed, that he was not disposed to believe that there were any of the secret advisers of sir F. Burdett's conduct among the members of that House. The declaration indeed, of one hon. and learned member (sir S. Romilly) this night, whom the newspapers set down among the advisers of sir Burdett, justified this disbelief. But still he must say, if it appeared that there were among the members of that House any secret advisers of the hon. baronet, he saw nothing inconsistent or inappropriate to the purposes of this inquiry, to call upon such gentlemen for an explanation of their advice and motives.

Mr. *Whitbread* begged to submit a few observations upon the insinuation of the hon. gent. which was certainly by no means dark or difficult to be understood. The hon. gent. concluded, he must say, not very liberally, that any private advice given to sir F. Burdett, on his late proceedings, was hid. Now he happened to have his own name set down in the newspapers, not as among the advisers, but as among the visitors of sir F. Burdett; and he hoped it would not be deemed less honourable in him to avow, that he was one of the visitors of the hon. baronet, than it was in his learned friend near him (sir S. Romilly), to correct the erroneous mention of his name. He had certainly never visited sir F. Burdett before, nor ever dined at his house, but once some years ago. But on Saturday evening last he was induced to visit the hon. baronet, in company with another member of that House, who was better acquainted with the hon. baronet, and he did state such conderations to the hon. baronet as he thought would have had an influence upon his mind. He mentioned hypothetically what he himself would have done under similar circumstances. In order to avert the consequence likely to follow to the king's subjects, he discussed the line of conduct which he himself would have thought it advisable to pursue, even acting upon the hon. baronet's own principles, and he must say, that he was received with the utmost possible attention; that the hon. baronet very politely attended to every observation he made. The advice which he offered to the hon. baronet was not secret, but in the open day; and he would appeal to the candour of the House, whether, if even secret, it was therefore to be deemed bad. He felt that he had done his duty in calling upon the hon. baronet, and offering the advice he did. In making that call he was acting in compliance with the earnest solicitations of a friend, and he certainly felt that far from doing evil, he was likely to promote what he conceived a very desirable good.

Mr. *Jacob* disclaimed any personal allusion. His observation being confined to an *if*, relative to any members of that House being among the secret advisers of sir F. Burdett.—[A general cry on the opposite benches of name! name!]

Mr. *Ponsonby* said, that whatever were the professions of the hon. gent., there could be little doubt that the manner and deportment of that hon. gent. in the course of his speech was most unfortunate, if they were meant to second the construction which that gentleman wished to have put upon his words. He (Mr. Ponsonby) would confidently appeal to the House, and ask, if there was one more within its walls, who would take upon him to declare upon his honour that he did not believe that the hon. gent. meant to affix a charge of giving secret and bad advice to sir F. Burdett, upon some member of that House. And what could have been meant by such an imputation? He did not hesitate to say, that it was an imputation that could not be too speedily retracted. By what privilege did that gentleman assume to himself the right of throwing out at random groundless aspersions against the motives of other members, in what they believed to be the conscientious discharge of their duty? When the hon. gent. made the charge he did, he was called upon to name the objects of his charge. He did not do so, and in not doing so, the hon. gent. involved himself in the embarrassment, either of making charges which he could not, or would not, support. He would advise that hon. gent. to be more cautious for the future, and not to deal out conjectural invective against men as undeserving of such attacks as any that could make them.

Mr. Secretary *Ryder* stated, that the least part of the motives which then influenced him to rise, was that of vindicating his Majesty's ministers from the attack that had been made upon them. His principal object was, rather to vindicate the privileges of that House, which had been so grossly trampled upon. The Serjeant at Arms had been described as the agent of ministers. How did that appear? Not surely in the obedience of that officer to the suggestions of the ministers. He (Mr. Ryder) admitted, that his situation, for the last four days at least, was a most responsible situation; responsible as that situation was, and humbly calculated as he was to fulfil its duties, still he would contend for it that there was no deficiency on the part of the ministers. Much had been said of what the government had omittted to do; but he would contend for it, that had the government not done what it had done, the mischief might have been incalculably greater. But ministers had been asked why they did not do on Friday what had been at length done on the Monday following? In answer to that question he would say, that it was not the part of the executive government to take from the House of Commons the right of enforcing its own order. As far as the executive power was concerned in assisting in carrying into effect a legal warrant, so far the aid of the executive power was not wanting. The civil and military power had been called forth, and where, he would ask, was the object in visiting upon ministers undefined and ill supported accusations of not maintaining the public peace? What effect had such charges? Had not some of the speeches they had heard a tendency to excite popular irritation, and give rise to dissatisfaction.

Mr. *Tierney* rose to order, and complained of charges having been made against the motives of certain members who had spoken, by complaining of the tendency of their speeches, which he presumed to be disorderly.

The *Speaker* said, that he conceived it to be within the prescribed limits of debate for any hon. member to speak to the tendency (in his judgment) of any speech he had heard, and in that sense he concluded the honourable member to be in order.

Mr. Secretary *Ryder* then proceeded to restate his assertion, and concluded by expressing his wish that all the proceedings of government on this momentous business were in detail before the House.

Sir *John Anstruther* stated that a right hon. friend of his had been charged with great warmth upon this subject. He confessed that it was not one upon which he could speak very coolly, when he recollected that, owing to a remissness in some quarter or another, the lives of his wife and children had been for a long time endangered. He asked if there was a man who doubted that this business had been brought upon the House by ministers, and if their official influence had not been the means of procuring the decision that had been ultimately determined on. (Order!) He was not out of order; he spoke of their influence in that House as men of talents and responsibility. He then adverted to the evidence of the Serjeant, and appealed to the House, if it did appear from that evidence that ministers had not taken any steps whatever to provide against consequences, which might have been so easily foreseen. The opinion of the Attorney-general was not taken until late on Saturday; why was not that opinion taken on Friday morning, and forthwith acted upon. If it had been taken and acted upon, what might it not have saved—the confusion of two days, the lives of some of the King's subjects; he censured the sort of advice given to the Serjeant by the ministers, it amounted to this—"Go and execute your warrant, you shall have all possible aid both civil and military—but then we can't say how far you may lawfully go—never mind, however, do your duty, and 'tis no matter whether in the event you are hanged or not for the attempt."

Mr. *R. Dundas* expresed his sincere regret for the violence done to sir John Anstruther's house, but contended for it, that if the executive had gone farther, they would have been as loudly censured as they now were for, what they had omitted to do. He denied that ministers had any reason to anticipate, and to provide against the unexpected and unprecedented resistance on the part of sir F. Burdett.

Mr. *C. W. Wynn* contended that ministers were bound to provide against all consequences resulting from a measure which they had taken such pains to prevail upon the House to adopt.

The *Attorney-General* vindicated the conduct of ministers against the charge of remissness. The Serjeant at arms, to whom, however, he wished to impute nothing which the facts of the case did not substantiate, had twice through himself, and once by means of his deputy, the opportunity of taking sir Francis into custody, if he had availed himself of those advantages. In either case, any resistance afterwards made by sir Francis or his adherents, must have been construed into a rescue, which would have fully warranted the breaking into his house.

Mr. *C. W. Wynn* argued that ministers should have been aware of the validity of the warrant, and of the mode of executing it, before they proposed that such a measure should be adopted by the house.

Mr. *Sharp*, from the observations which he himself had been enabled to make, was of opinion that all the consequences resulting from the measure which had been adopted, were imputable to ministers.

The motion for calling in the messenger was then withdrawn.—Mr. Whitbread moved that the papers and evidence before the House be printed.—The Solicitor General for Scotland wished that a letter from the Serjeant to sir F. Burdett, and his answer thereto, not at present before the House, should be presented, and printed along with the evidence now adduced.—Ordered.

HOUSE OF COMMONS.

Tuesday, April 10.

[Proceedings respecting Sir F. Burdett's Letter to the Speaker.] On the Order of the day for resuming the adjourned debate upon the motion made yesterday, That the Letter received by Mr. Speaker from Sir Francis Burdett do lie upon the table, being read:

Mr. *Curwen* rose and observed, that if he had thought the hon. bart. had intended altogether to have denied the authority of that House to imprison, he would not have voted on a former occasion as he had done. The language of the Letter, before complained of in that House, he had imagined, might have proceeded from a warmth of feeling without any disrespect being intended; but after what had passed since, he could hardly doubt what the principles of the hon. bart. were. No man felt more strongly than he had done, the propriety of a moderate reform of that House, in order to secure that confidence from the people upon which its strength and its utility so materially depended. But he could not agree that this would be best effected by the endeavour to bring the whole House of Commons into contempt. Whatever might be his opinion of ministers, however much he might think they had erred in the course of the events that had taken place within these four days, he must, in justice to them, say, that the circumstances were unlooked for, and that here, at least, they had some excuse for their conduct. He was now compelled to think, that the Letter which had been the subject of the late discussions in that House, was part of a system determined on by the hon. bart.; and if the House had not taken notice of it in the manner it had done by committing him, that it would have been dragged into something else, and have had to meet other and further attacks. Under such circumstances, it was the duty of the country to endeavour to strengthen his Majesty's government, and such, he trusted, would be the feeling of the House. With regard to the immediate question, if the hon. bart. had not intended any thing wrong in the late proceedings, the course of his conduct proved how little dependance was to be placed upon his judgment; but he hoped the House would be unanimous in consigning the present letter to the oblivion which it deserved. If any proceeding should be had upon it, the consequence would be the expulsion of the hon. bart. by which a licence for tumult would be given during the fourteen days of a new election, the military must be withdrawn, and the consequences might prove still more serious. He thought this letter a trap for the House. He even deprecated for the present any violent discussion on the conduct of ministers. Whatever might be his opinion of the administration, he must support the government. The times were altered, and till these changed again, he would not moot any thing that had a tendency to diminish the authority of government in general. When the effects of ferment were gone by, he should then think himself at liberty to blame any part of the conduct of the administration in this business that appeared to him to deserve censure—though he must, for the present, upon the paramount ground support it. Thinking therefore, that the course most becoming the dignity of the House would be to take no further notice of this letter, he moved, that the further consideration of it be adjourned to this day six months.

Mr. *Davies Giddy* having voted against the motion for the commitment of sir F. Burdett to the Tower, thought himself called upon in this instance to say a few words. He voted on the former occasion, not as questioning the offence, but as thinking it better not to have recourse to this severity in the first instance, being satisfied, that, if the offence was the result of bad intention, a future occasion would most probably be given for the exercise of the ultimate power of the House. Conscious of rectitude of intention in his own mind, he was slow in ascribing improper motives to others. But he was sorry that he could not now give sir F. Burdett credit even for rectitude of intention. As to the letter under consideration, he did not well know what epithet to apply to it—that scurrilous letter, if he might be allowed to apply one epithet to it, he thought it would be most becoming the dignity of the House to pass over without notice. He therefore seconded the motion, or rather the amendment of the last speaker.

Mr. *Adam*, on this occasion, said the motion respecting the letter was not the cause of his rising; but the consideration which induced him to present himself so early to the notice of the House was, that he might state in the most unqualified manner, that he could not agree with his hon. friend behind him (Mr. Curwen) that the events which had lately occurred were such as could not have been foreseen, or that the ministers were not highly culpable for the part which they had acted. By their negligence a state of things had been produced which greatly alarmed this metropolis; which must reflect great blame upon those, who by vigilance and wisdom might have prevented it. The question had been in the contemplation of ministers a full fortnight. They had every opportunity of knowing the law and the precedents on the subject. The adjournment which had taken place had given them full opportunity for deliberation, before they came to the consideration of what ought to be done in consequence of the decision, to which they themselves, as members of parliament of weight and influence, had so mainly contributed. He asked, who were the guardians of the public peace? Was not the secretary of state to be considered in that light? Was he not bound to know the situation of things; the transactions that were passing; the state of public feeling; the transactions of public men—and to be prepared accordingly? As members of parliament, too, the ministers were bound to look after the privileges of the House. Not only as the servants of the King, but as magistrates, &c. they were bound to take care that means should be provided, they were bound to enforce the warrant, to call the civil power to its assistance, and as members of parliament, to know how it was to be enforced before they voted it. In the earliest stage of the business, it was their duty to have taken steps to increase the civil power; to add to the *posse comitatus*, so as to have secured against resistance or rescue—either of which it was natural to apprehend. On that apprehension, in wisdom they should have acted, and secured the object of the warrant, by the mere effort of the civil power alone. —Mr. Adam next stated the delay which they had occasioned by their negligence, and want of foresight—that delay which had made the difficulty of executing the warrant greater, and which caused the necessity of employing, for that purpose, a force of a different description from that which would otherwise have been sufficient. Those who had to advise the Serjeant on the subject, it appeared, did not know the effect of the warrant! How then was it possible to exculpate them when they had not before considered what was the law upon this point, notwithstanding the ample opportunities afforded them? Were they not bound to suppose, under all the circumstances, that it was possible the person to be apprehended might be found only in his house, from which he could not be taken without an act of force? an act which did at last become necessary, and which, though not greater than the occasion then required, was greater than would have been required, if proper steps had been previously taken.—Persons combining all the characters to which he had adverted ought surely to have known the effect of the warrant. But their ignorance of that effect had, besides other unfortunate consequences, occasioned a doubt of the validity of the warrant. These doubts could not but have generally existed, when it was observed that persons high in the law, and in other departments, did not know how it was to be executed. As to the effect of the warrant, he himself had no doubt whatever. It was not an afterthought. This was a warrant in execution, not in mean process (a term inapplicable to a parliamentary warrant), issued for an offence which that House declared to have been committed. They were not to go to courts of law for their information. They stood on the law of parliament, which was part of the law of the land, and founded on reason. They were entitled to every assistance that might be requisite—to that of sheriffs, magistrates, police officers, not only in Middlesex, but in Surrey, nay to the whole *posse comitatus* of the whole kingdom, to enforce obedience to a warrant of apprehension, for an act which the House of Commons had pronounced to be a crime. He blamed those whose official duty bound them to protect the public peace, for not being sufficiently informed upon the steps which might become necessary in consequence of a decision which they themselves, as members of parliament, intended to induce the House to adopt. Instead of any such vigilance, the House had on its minutes, an account, from which it appeared, that down to twenty-four hours before the warrant was executed, they did not know whether they were entitled to break open the door! He asked, then, what confidence was to be placed in their industry, their judgment, their knowledge, or their determination? It was for the purpose of making these observations on the conduct of ministers in this transaction, that he rose. He had no personal animosity against any of the gentlemen on the other side, and he trusted there was no part of his conduct which indicated any such feeling. With several of them he had lived for a long time on terms of friendship. But in the discharge of a public duty, these things were to be forgotten. He was bound to declare that he had no doubt of the effect of the warrant, and that the delay in the execution was imputable to the ignorance of the individuals, and not to the defect of the power. He was bound to say, that the privileges of the House were as undisputed as if the warrant had been executed in the manner prescribed by a just view of these privileges, and trusted the ignorance of those who had taken upon themselves to promote a judgment of imprisonment would only affect themselves, and not the rights of the House, which had existed, for the purpose of enabling the House to maintain its station in the constitution, and to protect the liberty of the subject, of which that House was the guardian.

Sir *John Anstruther* next rose to state, what he conceived to be the duty of the members of that House, merely as such, without looking either to the one side or to the other. He never had any doubt as to the privilege of the House, and the mode in which the warrant ought to have been executed; and he could not but blame the ministers, who had not before-hand made up their minds on that subject. But was he to give up the government of the country altogether because it happened to be in the hands of incapable or bad ministers? Those who had marked his conduct through life could not, he thought, imagine that he would, for a moment, entertain the idea of betraying the government in a period of such difficulty, whatever might be his opinion of those by whom it was conducted. Whether the administrators were fit for their duties or not, they still formed the government, and must be supported. Whatever therefore might be his opinion of the ministers, he could not hesitate about the part he ought to take when the question came to be, whether the country was to have a government or not. Whenever matters came to that pass, it was the highest privilege of a member of parliament to support the government. The constitution was not to be sacrificed for the sake of getting the ministers into a difficulty with a view to turn them out of office. Even if they had an hereditary title to their seats in the cabinet, he would support them in such a crisis, rather than suffer the constitution to be subverted. He had never disguised his opinion, that his Majesty had been advised to place the government in the hands of men unfit to conduct it in times of difficulty and danger. For the ministers, individually, he had a great respect. They had competent talents to a certain extent; but, as a body, they were not the men who ought to have the administration of the government in these times. But though they were not the best qualified for the discharge of these duties, he could not agree to give up the constitution either to the crown or to a mob. As to the letter, under the circumstances in which it had been written, and considering the motives which dictated it, he thought the best way of dealing with it would be to pass it over in silent contempt.

The *Chancellor of the Exchequer* then rose. After the severe observations which had been made on the conduct of the ministers, he trusted the House would think that he was called upon and bound to advert to this most unjust attack which had been made upon them—an attack not only unjust but most impolitic, even in the view which even the gentlemen themselves entertained of the proceedings which had taken place within the last four days. That they should so far shut their eyes to what had passed as to ascribe the unfortunate effects which had resulted from the delay in the execution of the warrant, to the conduct of ministers, was he maintained as impolitic, upon their own views, as it was unjust to the real merits of the case. They laid to the charge of ministers the hesitation which had been evinced in acting upon a warrant, the execution of which depended not on them, but rested upon the discretion of the proper officer, whose duty it was to have executed it at his peril! What would have been the opinion of these gentlemen, if, at a time when one of the sheriffs was proclaiming that the interference of the military was unconstitutional, the ministers had taken the warrant out of the hands of the proper officer, who hesitated, and executed it themselves? If they had done this, and blood had been shed and murder had ensued, before there was any proof that the proper officers had been unable to execute the warrant, and consequently before there was any evidence of the necessity of their interference—what then would have been the opinion of the gentlemen on the other side—what would have been the just judgment of that House upon such conduct? But, whatever they might say about the imbecility of ministers in the execution of a plain duty, he was conscious that the imputation was not justly cast upon him. He was sensible that no man was fit for the office he had the honour to fill, or any public situation who, seeing the line of his duty clear could be deterred from its execution by any personal consideration. He had at first taken the line which he thought his duty prescribed. He had seen that that had already happened, which the gentlemen opposite only saw approaching. He had seen in the former letter every thing which appeared in that now under consideration—he had seen that the object of the writer was to revile the House of Commons, and to bring it, if possible, into universal contempt. He did not blame the hon. gent. (Mr. Curwen) who had thought his proceeding on the former occasion, in the construction he put upon the hon. bart.'s letter, uncandid. He trusted, however, he would now confess, that the event had proved that his former judgment was not uncandid—and he had at last the satisfaction to find that he and the hon. gent. agreed on this point, at least, in principle. He trusted, that it would always be the unaltered principle of the government of this country to leave the law to its course, taking care, however, that the public security should not be endangered (hear! hear.) Gentlemen cheered at the expressions "public security." Did any one say, considering the degree of liberty enjoyed by the subjects in this country, that by any preparations that could have been made, disturbances of this kind could at all times be entirely prevented? It was utterly impossible that individual assassination and tumults of this description could be altogether prevented. The utmost that could be done was to be prepared to suppress them before they arrived at an extent dangerous to the public security. He maintained therefore that there had been no culpable negligence on the part of ministers, but that they had on the contrary been perfectly ready to suppress disturbances as soon as the circumstances called their power into action.

For his own part he had never, from these tumults, entertained any apprehension about the safety of the government. The government was now as safe and as firm as it had ever been. The ministers had always been ready to suppress the first appearance of violence. He trusted, therefore, that the House would pause before it pronounced that the ministers had been to blame, for not interfering with the duties of the proper officer—one not removeable at their pleasure, before the circumstances called upon them to do so. If the question had been put to him, when this matter was before under discussion, he would have at once stated his opinion, that the serjeant would have been justified in breaking open the door. But when the person whose duty it was to execute the warrant, hesitated and doubted, whether he might not be acting illegally, in a case where the most serious consequences might have taken place, was it imbecility in him to tell what his own conduct would have been under similar circumstances, without presuming to controul, or even to advise the officer in the discharge of his duty in such a critical case? The gentlemen on the other side, he contended, had taken a most unjust view of the conduct of ministers. If that conduct had been different, their judgment would have been directly the reverse. They ought to consider that they were giving their opinions under different circumstances from those on which the ministers had to decide. They now gave their judgment as if it had been on a point of science, free from all responsibility. Their argument was, that the ministers had abstained from using a force beyond the law—for if they had controuled an independent officer in the execution of his duty, it would have been an illegal act. What would they have said if ministers had, before the necessity was proved, taken this upon themselves?—Having stated thus much, in answer to the observations that had been made upon the conduct of ministers, he would now come to the letter. He agreed with the gentlemen on the other side, that any ulterior severity was unnecessary, and would be inexpedient. But he thought a middle course would be better suited to the dignity of the House. When such a letter was received, he thought the passing it over without notice, upon the ground of contempt, was and would appear very equivocal. Although the House would not suffer itself to be entrapped, yet it would take care not to shrink from its duty. Under all the circumstances however he did not think it necessary to propose any further punishment. The punishment he had before proposed was for a defiance of the authority of that House, and the present letter was but a continuation of the same defiance and a proof of the same offence. It was, however, no doubt a great aggravation to repeat it. What he would therefore submit was, that a resolution should be adopted to the following effect—"That the letter which sir Francis Burdett had written to the Speaker, was a high aggravation of his offence; but it appearing, from the report of the serjeant, that the warrant for his commitment to the Tower had been executed, this House did not think it necessary to proceed any farther on the said letter." The consideration of that letter might be important at a future opportunity; for instance, if an application should be made for the discharge of the writer. As they were agreed as to the principle, he would, however, readily come into the ideas of the gentlemen opposite, if they could convince him that their mode of proceeding was the best, but he thought the course he proposed to follow, the best—most consistent with the dignity of the House, and at the same time best calculated to avoid those consequences, which the hon. gentlemen opposite, apprehended from any further proceeding.

Mr. *Whitbread* could not upon principle assent to the right hon. gent.'s motion, who now, he observed, professed to be influenced by considerations of expediency. He was glad to find that the right hon. gent. was at length willing to attend to the dictates of expediency; that he and his friends were disposed to consider consequences; that they were come to their senses, and that they were now of opinion that the sooner the matter could be laid at rest the better. Though he approved the motion of the hon. gent. for an adjournment of the debate to this day six months, he could by no means agree with him in what he had said relative to rallying round his Majesty's government in consequence of the unfortunate events which had so lately taken place. The sudden change in the hon. gent.'s opinion was rather matter of surprise to him; but he was much more surprised at that, which had taken place in those of the right hon. gent. opposite to him. From the warmth with which the right hon. gent. who had just sat down, and his colleague who sat by him, had expressed themselves on the former occasion, the House might very naturally have been led to suppose that they had done their duty; but he thought quite otherwise, and with the leave of the House he would endeavour to shew that they had most grossly failed in doing their duty. The right hon. gent. had just told the House, that he foresaw all that conduct of sir F. Burdett which had since taken place, from the very first introduction of this business before the House; and yet when the Speaker's warrant came to be issued, he was not, nor were any of his colleagues, prepared with the proper means of carrying it into execution.—Really, he thought, that from the beginning the right hon. gent. ought to have seen reason to apprehend that the execution of the warrant would have been resisted. Sir F. Burdett's declared opinion of the character of the warrant was calculated to excite that apprehension, and yet it appeared that the right hon. gent. was quite unprepared for the event. This formed a serious ground of complaint against him; but there was another and a still stronger ground of complaint.—It would be recollected, that when the hon. baronet actually resisted the warrant, the case was referred to the consideration of the right hon. gent., and his answer was, that he knew not what advice to give, as there was no precedent whatever in which this warrant had been resisted. Now, he put it to the right hon. gent. personally, professionally and officially, whether upon abandoning the law to pursue politics, it did not become his duty to study parliamentary history with somewhat more attention. In point of fact, there was a precedent of the Speaker's warrant having been resisted long before that issued against sir F. Burdett, whose manner of acting he was by no means disposed to justify, and that resistance was accompanied by contempt. But in this precedent how had the House proceeded? why, they voted that the party so resisting was sick. Such was the mode by which the House averted any conflict upon that occasion. But yet, as to the privileges of the House, he was as ready as any to maintain them, and that the warrant of the Speaker was complete—and of all others ought to be omnipotent—that if good for any thing it was good for every thing, and that it authorized the breaking open of doors if necessary in order to enforce its execution. If it were not invested with that authority, what, he would ask, was to become of the most important functions of that House? How were witnesses to be brought to the bar, as in the recent investigation respecting the duke of York—how was the House to come at various points of information material to the performance of its first duties—in a word, if the Speaker's warrant were not omnipotent, what was to become of the inquisitorial character of that House? It was impossible that the people could be so insensible to their own best interests—could be so besotted as to entertain a wish of wrenching from the House a power so essential to all the good purposes of its institution. Let it be recollected, that although the House of Commons had erred from its duty in many instances, it ought not to be deprived of those privileges which were indispensible to its utility and power, whenever it should become in its constitution and conduct more conformable to the opinion and the interest of the people. That it must become so conformable he could entertain little doubt. Indeed, he would venture to say, that the cause of reform was making rapid progress—that within the last month many, very many converts had been made to that cause. Let it then be asked, in what state the House would be placed in the event of a reform, if stripped of the power under discussion—if the Speaker's warrant were not omnipotent? The crown was known to have a considerable influence in that House and elsewhere; and what must the people expect to be the inclination of that influence in the event of reform. Must they not calculate upon its hostility, and what power could a reformed House of Commons have of counteracting that hostility if its warrant were not effective? Upon this ground therefore most particularly, he thought the Speaker's warrant ought to be omnipotent.—But although he maintained the power of this warrant, it did not follow that he would vindicate an improper application of that power, as in the instance of sir Francis Burdett. At the same time, as it was deemed proper to issue the warrant against that hon. baronet, why should it be conceived necessary, so long after its issue, to consult the attorney general as to the mode of its execution? One should suppose that an opinion upon this subject should have been previously obtained, and that the city of Westminster should not so long have been suffered to remain in a state of tumult. The right hon. the Chancellor of the Exchequer, and his right hon. friend the secretary of state, took credit, it appeared, for the assistance they offered and the exertions they made upon this occasion. But what said the serjeant at arms? Did he not state at the bar, that he could not get a sight of the secretary of state? and also, that until Monday morning he could not obtain adequate assistance? (No, no, on the ministerial benches). He was in the recollection of the House, and the minutes, when printed, would serve to shew how far he was correct. The right hon. (the Chancellor of the Exchequer) attempted to excuse himself by stating that he had no right to interpose with the execution of the Speaker's warrant, unless specially applied to for aid and where the circumstances of the case called for such interposition. But what did the right hon. gent. do when so applied to? why, the serjeant at arms was referred to the Bow-street officers. He begged the House to remember the deposition of this officer, enfeebled as he was by so many sleepless nights, and to consider the circumstances of an individual so situated without any decisive advice, or adequate aid to inforce the warrant with the execution of which he was entrusted. The right hon. gent. claimed credit for not calling in the military prematurely. But why not call in the civil power? That, in fact, did not at all make its appearance until Monday, in conjunction with the military. He was happy to hear it admitted by the right hon. gent., that the tumult which gave rise to this discussion was not the result of any deep laid plan, that there was nothing more than an ordinary mob which could be quieted by the ordinary means.—(No, no, on the ministerial benches.) The hon. member deprecated these unparliamentary interruptions, and repeated his conception of the right hon. gentleman's admission, that there was no apprehension of any extended plot or conspiracy in the recent disturbance. Such, indeed, was the general conviction, and that those disturbances would never have occurred, if the discreet advice of these gentlemen had been taken who voted for the reprimand on a former evening, there could not now exist a doubt.—But while he deplored the indiscretion and imbecility of ministers, and complained of their manner of providing for the execution of the Speaker's warrant, he begged it to be understood, that he meant not to make any apology for the conduct of sir F. Burdett. On the contrary, he thought that the honourable baronet, even upon his own principles, ought not to have persisted in his resistance. After five days opposition he did yield to force, and he might as well have so yielded, for his own view of trying the question within the first five minutes after the warrant was presented to him. He was, therefore, no apologist for the conduct of sir F. Burdett in his protracted resistance. A noble lord had interpreted the hon. baronet's letter to mean a resolution to resist the execution of the warrant. Then it was matter of just and serious complaint that arrangements were not promptly taken to enforce its execution. Why, in fact, was not the warrant executed, as it might have been, by two or three constables within an hour or two after it was signed (hear! hear! on the ministerial benches)? Gentlemen on the opposite side meant no doubt, as indeed they had obviously enough endeavoured, to throw the blame upon the serjeant at arms, but in that they could not succeed. The House could never conceive blame fairly imputable to an unlearned man, with a mere military education, for doubt and ignorance upon a subject with regard to which the learned lawyer, the first lord of the treasury, professed his inability to decide. Could the House be in the least degree surprised at the serjeant's hesitating to execute a warrant that he knew would be resisted; in the doing which, if a death ensued, he rendered himself liable to an indictment for murder? when the learned late attorney general now first lord of the treasury, and the other learned gentleman near him, who had quitted the law for political pursuits, as well as the learned secretary of state, were all so unprepared as to the law of the subject, that the learned late attorney general, on the Saturday evening, advised the serjeant to take the opinion of the present attorney general, which was not given till Sunday night; and yet they expected the serjeant to know more law than all of them put together. They might, however throw all the blame on the serjeant; might say he should have been prepared with precedents; that he should be a judge both of law and gospel; yet, he thought, that except themselves, no one, either in that House or out of it, would be of the same opinion. If any of his friends were to resort to such an expedient to palliate the neglect of official duty, if they could attempt to cover themselves in such a manner by casting blame upon such an officer, he would really be ashamed of them. But ministers upon this question seemed to call forth the compassion of the House. What claim, however, had they to that consideration? — Westminster was suddenly thrown into a state of alarming commotion, and leaving that commotion to extend they took time to consult lawyers. It would be remembered, that when in 1780 it was proposed to take the opinion of the judges, as to the mode of repressing the riots, a great man exclaimed —"What, wait for the opinion of the judges, when all London may be in flames in a few hours? No;" said he, "let us act immediately, and take the responsibility upon ourselves." But ministers were not in this instance so courageous. No; the right hon. gentleman pusillanimously shrunk from the occasion, and now endeavoured to shelter himself by the censure of a subordinate officer.

It had been stated that some difference of opinion prevailed between the sheriffs and the magistrates on Sunday, and that this difference occasioned a delay in the execution of the warrant. No proof, however, of such a difference appeared. But in fact the execution of the warrant ought to have taken place before the period at which that difference was said to arise. Now, with regard to the effect which the cause of this discussion appeared to have upon the mind of an hon. friend behind him (Mr. Curwen), he was certainly surprised at it. His hon. friend said that he would stand by the government—that ministers ought to be supported in such a crisis. But he would seriously ask his hon. friend, whether he could call upon any gentleman connected with him to rally round a rush—to rely upon weakness? Was it possible, after the proofs of imbecility and vacillation which these ministers had so recently afforded, that his hon. friend could considerately press such a proposition? If he meant to rally round the law and the constitution—round the Speaker's warrant, when properly issued—he (Mr. W.) would cheerfully join him; but if his rallying point was to be the present ministers, he might set off as soon as he pleased. He (Mr. W.) would stay where he was, and beg leave to decline any such connection.

The hon. gent. (Mr. W.) feeling the consequences likely to follow any attempt to proceed, in this instance, to the extreme alluded to by some gentlemen, particularly recollecting and recommending to the attention of the House the case of Wilkes, expressed his preference for the more moderate course. If an expulsion were to take place, the House was aware what must follow. All must know what an election for Westminster was, and all must calculate upon the consequence of sir F. Burdett's re-election. An expulsion, therefore, was a proposition not to be entertained even upon this ground. But he disclaimed all sense of fear as among the causes of this his opinion. No, he was not afraid of the consequences of conspiracy among any set of persons whatever. This he thought proper to state, as some gentlemen had alluded to conspiracies. But at the same time he would not be understood to believe in the existence of any conspiracies whatever, nor did he mean to cast any censure upon sir F. Burdett, although he must say, that had the hon. bart. confined himself to a proper shew of resistance, instead of proceeding to extremities, he would have placed his popularity upon a throne from which it could never be dislodged.—(Hear, hear, on the ministerial benches.) What, did gentlemen really imagine that their manner of viewing things was general; that the country was filled with lawyers and attornies like themselves, likely and competent to make distinction between the validity and value of a warrant? He could assure the right hon. gent. that numerous converts had been made to the doctrine of sir F. Burdett, not merely by his own arguments, but by the conduct of the right hon. gentlemen themselves. Let the recollection then, of this conduct, urge the House wisely to attend to considerations of expediency in due time. Let the House beware of doing things whereof they could not clearly foresee the consequences. He really believed there were few who would not have been willing to revoke the vote they were induced to give, upon the proposition of the right hon. gent. or at least, what he proposed through another, that sir F. Burdett should be committed instead of being reprimanded. He would ask the hon. gent. himself, who brought the subject before the House, but whom he did not then see in his place, whether he did not now regret the proposition? Sure he was, that a feeling of regret upon the decision of the House in this case, was general (No, no, from the Chancellor of the Exchequer.) Why, the right hon. gent. could not pretend to know every body, although every body knew him from the situation which he happened to hold. He was persuaded that there was now scarcely any difference of sentiment throughout the country as to the intemperate conduct of ministers upon the question alluded to; and that the wiser course would have been to vote for the reprimand of sir F. Burdett. It was argued however that if the hon. baronet had been reprimanded, he would have forced the House to go farther; but to that it was satisfactorily answered, that then the hon. baronet would have been palpably wrong. Of course, if the House had proceeded to committal, it would have stood acquitted in the eye of the country.—Here the hon. gent. took occasion to submit a few words to the consideration of the House, as to what he thought should be its future conduct. He hoped, that recent experience would teach the House the propriety of cautiously abstaining from passionate decisions—that it would not allow itself to be provoked into rage by such a miserable production as that of Gale Jones, which led to so much evil; that it would not enable such a man to occasion trouble, by putting a sword into the weak hands of an angry minister; that it would not be forward to take notice of frivolous libels, and thus bring those privileges into question among the people for whose benefit alone they did or ought to exist.—As to the consequences which arose out of the recent disturbances, he hoped and trusted they would be minutely inquired into, and those minutes reported to that House. The people ought to see, that where serious outrages were committed, where lives were actually lost, nothing was left undone by that House to procure information, and to administer all the redress in its power. Of the two propositions before the House, he confessed that he should prefer that for an adjournment. To the Chancellor of the Exchequer's observation that the letter of sir F. Burdett should be inserted upon the Journals, with the opinion of the House upon it, in order to be referred to in the event of any application from the hon. baronet for his release from the Tower, he should only say, that in the first place such an application did not appear to be at all likely. But, if it were made; if the hon. baronet manifested any disposition to make a proper concession to the authority of the House, he should be willing to have this letter forgotten altogether. Indeed, upon every consideration of policy and experience, the House should decline to put this letter on the Journals. He would therefore oppose the right hon. gentleman's motion, for which, however, upon a general principle, he could never consent to vote.

Earl *Temple* complained of the impotent vacillation evinced in the whole conduct of ministers throughout this business. The serjeant at arms had applied to the secretary of state for the home department, and by him had been referred to his deputy, Mr. Becket; Mr. Becket refers him to the secretary of state, and the secretary of state refers him back to Mr. Becket. Assistance was not to say promised, but proffered by ministers—assistance both civil and military, and yet the assistance that was declared to be necessary in the first instance, was not granted till the fourth day after the issuing of the warrant—till Monday morning. Either the assistance afforded, was proper or it was not; if justifiable, why was it delayed so long to the imminent hazard of the peace, of the security of the metropolis? The secretary of state for the home department was, *ex officio*, one of the magistrates, and as such, answerable for the maintenance of the public peace, and more especially so at a period when that peace was endangered by measures sanctioned by the ministers of the day, at least, in furtherance of carrying into effect, measures adopted by that House, under the influence of their advice; and yet, such had been the hesitating imbecility of ministers, that they could not bring themselves to act with resolution, even in prosecution of their own measures. The serjeant was referred to Mr. Becket, who referred him to Mr. Read, who referred him to Mr. Becket. Was this a line of conduct, characteristic either of wisdom or of energy? He conceived ministers, therefore, entirely to blame, and looked upon them as answerable for all the blood that had been shed, and all the lives that had been lost on the occasion. As to the motions before the House, he should prefer that of the right hon. gent. because it took notice of sir F. Burdett's Letter to the Speaker as an aggravation of the offence, and might be produced in bar to any petition or other application to the House for his release from confinement.

Mr. *Windham* observed, that the House, when sitting on Friday, ought to have been apprized, before its rising, of the apprehensions entertained as to the resistance to the execution of the Speaker's warrant, in order that measures might have been taken by the House accordingly.

The *Speaker* took occasion upon this to address the House, conceiving, that by this observation it was meant to impute to him a neglect of duty. The right hon. member's charge, he observed, involved two points; the one as to a matter of fact, and the other as to a matter of opinion. It was stated, that while the House was sitting on Friday night, he was informed of sir F. Burdett's intention to resist the execution of his warrant, and that he ought to have notified that circumstance to the House.

Mr. *Windham* again rose and stated, in explanation, that not knowing the contrary when the House met, namely, that no resistance would be made, the House ought to have been apprized of the circumstance.

The *Speaker* resumed, and assured the House, that so far from having any doubt on the subject, the Serjeant at Arms told him, that sir F. Burdett would accompany him to the Tower on Saturday morning, and that he had so arranged it with him. But his instructions upon receiving that intelligence from the Serjeant was, that he should proceed forthwith to execute the warrant. At that time, however, and until a late hour that night, he had no apprehension whatever, that any resistance was in view. With regard to the remarks of the hon. member upon the subject of the advice proper to be given to the Serjeant at Arms, when the intention to resist was known, he certainly gave the best advice in his power. When the Serjeant told him that civil aid was required to execute the warrant, in consequence of the mob assembled about sir F. Burdett's house, he thought it his duty to refer him to the secretary of state. Throughout the progress of the business, he had had frequent communications with the Serjeant at Arms both night and day. In fact, for 48 hours, it so engrossed his time and attention, as to deprive him of any repose whatever. But it might be supposed by some gentlemen, that he had failed in his duty, in not giving that advice to the Serjeant, which he had since received from a grave opinion as to the breaking open an outer door for the purpose of executing his warrant. Upon the Serjeant's expression of his doubt on the point of breaking open the outer door, he certainly did not feel himself justified in advising him to do so. There being no case whatever of a similar instance upon record, he had no authority to guide his judgment as to the legality of such a proceeding, and thought proper to refer the Serjeant to the law officers of the crown, as the best judges of the law. He hoped the House would not find any fault with him for not advising the Serjeant to put his life in jeopardy. He felt that he ought not to urge any man to risk his life in a proceeding which such person did not think right to undertake himself. Such was his opinion at the time, and such was his opinion still. The Serjeant had been referred to all the sources, from which he was most likely to obtain competent information, to those officers who were accustomed to the execution of warrants of contempt. But as to the breaking open of the outer door of a house to execute his warrant, having, as he before observed, no precedent of authority whatever to direct his judgment, he could not advise the officer to risk his life upon analogies and reasoning. Such being his conception, he took that course which he thought best, by referring the Serjeant at Arms to those who were most competent to decide and direct that officer's operation.

The *Attorney General* observing, that it had been stated in pretty strong terms that if ministers had foreseen the consequences of executing the warrant, they never would have advised it, declared, that he for his part, agreed entirely with some of his hon. friends, that even if the consequences could have been foreseen, the House would have been still bound to assert their privileges in the manner they had done. He regretted as much as any man whatever calamities had taken place; but still this consideration would have had no weight in determining his vote. When it had been decided that the hon. baronet's publication was an offence which came properly under the cognizance of the House, he then only looked to the quality of the offence, and the mischief it was calculated to produce. It was clear that no greater insult could be offered to the House of Commons, than that which the hon. baronet intended to convey in that paper upon which the House had decided; and he thought that an offence of such a nature ought not to be punished merely by a reprimand. In case of a reprimand being conceived a sufficient punishment, there were always two parties considered, namely, the person who was to give the reprimand, and the person who was to receive it. Now, when the person who was to receive the reprimand stated such an utter contempt of the authority of those who gave it, as the hon. baronet had professed to feel, the reprimand would be no punishment. It would be like ordering him to receive a reprimand from his own servants, in his servants hall (Murmurs of disapprobation). He meant that this was the light in which the hon. baronet might feel a reprimand from the House. It appeared to him that he set no more value upon the authority of that House than a right hon. and learned gent. who had filled that chair formerly professed, alluding to sir Fletcher Norton, who said, that he would pay no more attention to the resolutions of that House than to those of a set of drunken porters. He knew no punishment adequate to such an offence except imprisonment. However he regretted the calamities which had happened, if the House had ordered any punishment slighter than that of imprisonment, it would have been supposed that they were afraid of consequences; and if it were once supposed that this House was governed by considerations of that nature, its character would be entirely lost. If it were said that ministers were deserving of serious blame, for not foreseeing all the possible consequences which might follow from the execution of the warrant, he would answer, that it was as much the duty of the gentlemen who spoke from the other side of the House upon that question to have foreseen those consequences; and if they had foreseen them, it was their duty to have stated them. Ministers certainly did not expect that sort of resistance which had led to the present discussion. When the House had voted for the committal of sir F. Burdett, he took it for granted generally that the warrant would have been executed, and he did consider the particular circumstances which might take place. He would ask, did any one of those who voted against the majority foresee or anticipate the sort of resistance which was made? It certainly occurred to him, and to many others, that some resistance was expected from abroad. It never occurred to him that the resistance would have come from the hon. baronet himself, who had so recently declared under his own hand that the House had a right to commit its own members. If he had been then asked his opinion, he would have said confidently that he did not believe the hon. baronet would have personally resisted the execution of the warrant. But it had been imputed as criminal in his Majesty's ministers not to have made up their minds sooner on the legality of breaking open an outer door. It must, however, be recollected that the serjeant at arms had twice been admitted into the presence of sir F. Burdett, and had opportunities of executing his warrant each time, in which case that question of doubt would never have arisen. Sir Francis might have been arrested either on Friday, or Saturday, without the necessity of breaking open a door. He hoped that he should not be blamed for not being able to give an immediate opinion on a case which was not governed by precedent, and where he had only to form an opinion from analogy. If the case had not been a doubtful one, or if it had been within the general custom of parliament, the Speaker would have been able to have given the serjeant a decided opinion; but it was because it was a doubtful case that it was submitted to legal opinions. Had he been in the place of the serjeant at arms, he would have broken open the door in the first instance; but he could not expect the serjeant to have taken upon himself such responsibility, without the authority of legal advice. If the serjeant at arms had had recourse to military aid in the first instance, without trying the civil power, and lives had been lost, he would have justly exposed himself to severe attacks from gentlemen on the other side. He thought that it was evident that ministers had no right to give him directions in the mode of executing his warrant, and that the case was a doubtful one, which arose from the manner in which the hon. baronet chose to resist the execution of the warrant.

Sir *John Sebright* said, that if he could have formed any conception that the hon. baronet could have been capable of proceeding so far, he would have been the last man in that House to have compromised its authority, by acceding to the adoption of any other than the most rigorous proceedings. If ever there had been conduct more disgraceful than any other that had yet come under the cognizance of the House, it was that of the hon. baronet. If that hon. baronet wanted to try the simple question of right in the present instance, was it not in his power to have done so without disturbing the public peace for four successive days? Was this his love of civil liberty, stirring up an infuriated mob to aid him in the grave solution of a great constitutional question? Was it an instance of his zeal for civil liberty, that a tyrannical mob should line the front of his house, and compel every passenger to uncover, while passing the house of Sir Francis Burdett. He (Sir John) was not one of those disposed to pay that servile testimony of compulsory homage to the house of the hon. baronet, and in consequence neither he nor his carriage passed that way. He agreed in every thing that had fallen from his hon. and esteemed friend, who had opened the debate, and thought the House bound, for the sake of their own dignity, to support his majesty's ministers in the present critical emergency. Before he sat down, he would say one word in behalf of a person whom he thought had not been done sufficient justice to, he meant the serjeant at arms, whom he described as a man of great activity and tried personal courage. He thought that the conduct of the serjeant throughout was wholly free from blame.

Sir *Samuel Romilly* said, that it was not his intention, at present, to go into the grounds of the vote he had already given, even if it was thought necessary, in consequence of late occurrences, to restate those grounds. His principal object in now rising, was to mark to the House, in vindication of the vote he intended to give, the difference between the resolution proposed by the Chancellor of the Exchequer and the original amendment; he was one of those who thought that the first Letter and Argument of the hon. baronet was not an offence cognizable by that House, and being of that opinion, he could not now agree to a vote, calling his subsequent Letter to the Speaker, an aggravation of that original offence. At the same time, he had no hesitation in stating his sense of the gross impropriety of that Letter, and with respect to the whole conduct of Sir F. Burdett, since the vote of commitment, he confessed that it was to him a matter of astonishment that that hon. baronet could have been prevailed upon to adopt the counsel he had acted upon in furtherance of an object that was attainable in a way so obviously preferable to the one so injudiciously resolved upon. Had the hon. bart. had a mind to try a legal right, he might as well have chosen to try it on a motion for an *habeas corpus*, or an action for false imprisonment, as put it to the chance of an indictment for murder. If he had submitted upon the warrant being first exhibited to him, there was no lawyer who could say, that he would thereby have given up any of his legal rights, or deprived himself of any remedy which the law could give him. He did, however, feel some surprize when he heard hon. members in that House say, that if they had foreseen all the consequences, they would have voted as they did. Not to say any thing of the calamities which had taken place, he would ask, was it nothing that the character of the House should have suffered so seriously by having that power now called in question, which was before supposed unquestionable? As to supporting the dignity of the House upon this occasion, those who talked most of its dignity opposed the expulsion of sir F. Burdett, from the idea that not only the rabble or mere boys, but that the householders of the great city of Westminster conceived that House to be so much in the wrong that they would undoubtedly re-elect him, if he were expelled. What kind of dignity, then, was that, which had no reference to character, or to the opinion of the country? When it was asked from the other side, did those who sat on his side of the House, foresee the consequences of the vote, he would say for one, that he did, and warned the House of the consequences; but if he had foreseen more clearly what would have taken place, he could not have spoken more explicitly, without being liable at the time to the charge of suggesting things that otherwise would possibly not have taken place. He certainly thought the conduct of ministers blameable (an expression of disapprobation from the ministerial Benches.) He did not know how to reply to those inarticulate arguments, but would wish to hear what was to be said on the other side.

Captain *Parker*, in a tone of great animation, animadverted upon the alledged impropriety of the learned gentleman's aiding, by his counsels, the efforts of the honourable baronet to exalt in the country a standard of sedition and tumult. (Cries of order, order!)

Mr. *Ponsonby* rose to order, and was proceeding to comment upon the highly unparliamentary language that had been resorted to by the hon. gentleman, when

Captain *Parker* readily acknowledged, that he had been inadvertently hurried into an expression that could not at all apply to the learned gentleman, and apologized to that gentleman and the House for the error he had been momentarily betrayed into. He could not, however help expressing his wish, that the House would adopt the proper course at once, and expel sir F. Burdett. The objection to that seemed to be, that sir Francis would be returned again; but he had too good an opinion of the good sense of the electors of Westminster to believe that possible. He was satisfied, that when once they knew all the particulars of his late conduct, they would never return him to represent them again in that House.

Lord *Porchester* thought no language could be too strong to reproach the conduct of the hon. baronet, from beginning to end. He felt himself obliged, therefore, upon this occasion, to rally round the House, and the authority of the Speaker and of his warrant; but at the same time he thought the calamities which had taken place proceeded as much from the backwardness of ministers as from the intemperate passions of misguided individuals. He could not avoid condemning the opinion given by the attorney-general, that a reprimand from that House to sir F. Burdett, would be like a reprimand in the servants' hall from his own servants. He could not see the justice of this comparison, or how it could be adduced as an argument for imprisonment instead of reprimand. It had been asked whether gentlemen on that side of the House had apprehended any opposition to it, from that which had been stated in the very paper, in which the gentlemen on the other side said that he had acknowledged the right of the House to commit its members. In that very paper, however, he found fault with a warrant similar to that, under which he had been arrested, and, therefore, there was reason to suppose that he would not submit to it. The serjeant at arms was placed in a most awkward situation. When he asked for military aid, he was told, that he should have it, but that he must act at his own peril: and that if any lives were lost, and his conduct should turn out to be illegal, he might be hanged for it. It really appeared as if ministers, upon this occasion, as upon a former one (the Walcheren Expedition) first resolved upon a *coup-de-main:* But afterwards when they heard that the hon. baronet had actually locked his door and put up the chain, this appeared to them a combination of circumstances which was not to be foreseen. Their *coup-de-main* had then failed; they began to consider Piccadilly as a fortress, and it required many meetings of the cabinet council to determine how it was to be attacked.

Mr. *Stephen* was a little surprised at the opinion of his right hon. friend (sir S. Romilly), that as there was no original offence, this Letter could not properly be called an aggravation. His right hon. and learned friend appeared to go the whole length of arguing, that sir F. Burdett ought not to be in any manner punished for the insults offered to the House in this Letter. The amendment which declared it an aggravation of his former offence, would go so far in punishment, that if the hon. baronet or any body for him, should petition for his discharge, this paper would then be taken into consideration in assigning the proper measure of punishment. As to the conduct of the hon. baronet in the mode of resistance he resolved on, he was glad to find that no hon. member in that House approved of it; and this was a circumstance upon which he might congratulate the House and the country. The hon. baronet might have tried the legality of the warrant satisfactorily without adopting the mode of resistance he had chosen. It appeared to the other side of the House, that a warrant which did not allow an outer door to be broken was absolutely nothing. They however seemed to have forgotten that there were many writs for debt in civil action, which could not be enforced by breaking doors. These writs were nevertheless not reckoned as nugatory, nor did he see that it would be any impeachment of the dignity or authority of the House, if their warrant was of the same footing as many of the king's writs, which do not justify the breaking into a house to enforce them. Some hon. gentlemen had said, that they had foreseen the consequences which had followed from the vote for the commitment of the hon. baronet. But for his own part, he never could anticipate any resistance to the execution of the warrant, because the whole of the argument against that vote went to shew that it would be a triumph to the hon. baronet to go to the Tower, from which he could issue his libels in abundance. It had been charged upon his majesty's ministers, that they had not taken sufficient measures for the security of the metropolis, as well as that they had not given to the serjeant at arms a sufficient force to enable him to execute the warrant. As to the first point, he contended, that all proper measures had been taken to insure the peace of the metropolis. It was not to be expected, that the government, in the expectation of riots, should have stationed a military force in every street. If they had so done their conduct would have been most loudly condemned by the hon. gentlemen opposite, for having endeavoured to put down the civil by resorting to the military power.—Great credit on the contrary, was due to the government for their precautions, as well as to the military for the moderation which they had displayed, in the course of the painful duty they had to perform. As to the charge that no adequate force was placed at the disposal of the serjeant, that had been so often answered, that it was strange it should still be repeated. The warrant might unquestionably have been executed either on Friday or Saturday, without any necessity for forcing the outer door; and in the end the warrant had fortunately been put in execution without any recourse to military force, or any effusion of blood. Whilst it was to be apprehended that lives might be lost on both sides in case of executing the warrant by force, what would have been the opinion of gentlemen respecting the conduct of government, if ministers had ordered the serjeant to execute his warrant? If it turned out to be illegal to force the outer door, and that lives had been lost in a conflict, would it have been a justification of the serjeant, on an indictment for murder, to plead the directions of his Majesty's ministers? When a doubt therefore, existed in the mind of any of his right hon. friends, it was perfectly right to suspend the execution of the warrant, till that doubt was removed by referring to the highest legal authority. From all the attention then which he had been able to bestow upon the subject, it was his opinion that his Majesty's ministers, so far from deserving reprobation, were, on the contrary, for the whole of their conduct, entitled to praise. But it had been tauntingly asked, on a former night, whether they call this standing by the King? To this, he should answer, yes.—To stand by the privileges of that House, was to maintain the authority of parliament; and to stand by the parliament, was to stand by the constitution, and consequently by the King. Upon the whole, he was convinced that the ministers had done their duty; and if the hon. gentlemen opposite should bring forward any motion for a direct censure against them for their conduct they would find themselves opposed by an unusually large majority.

Earl *Temple* stated in explanation that he had imputed it as matter of blame to his Majesty's ministers that they had not till Monday placed such a force at the disposal of the serjeant, as he deemed necessary to enable him to execute the warrant.

Sir *S. Romilly* explained, that he had never said that he had foreseen the consequences which had resulted actually from the vote of commitment, but that he had foreseen consequences from that vote which he did not deem it proper to state at the time.

Mr. *C. W. Wynn* denied that it had been stated as a matter of charge against his Majesty's ministers, that they had not employed the military in the first instance. The charge was, that the secretary of state being at the head of the civil power, had not employed it so soon as he should have done, and was responsible for all the dangerous consequences that might have resulted from the time lost. It would not be said that his Majesty's ministers were unacquainted with the scenes that took place, as they might have learned them from one of their own body.—[Lord Westmoreland, who had been assailed with some mud by the mob.] Ministers were culpable for having left Piccadilly during the whole of Friday, in the possession of a riotous collection, who obliged all that passed through that street to take off their hats to the majesty of the mob. A few constables, employed in time, would have dispersed the assemblage of boys, scarcely fifteen, engaged in that riotous proceeding. The mob that attacked the house of his hon. friend (sir J. Anstruther) might have been dispersed in the same way; as well as that which had assailed the house of the noble lord (Castlereagh). None but boys were at first concerned in the disturbances; but when it was found that they were left so to act with impunity, others bent upon more serious mischief joined, and then their first march was to Downing-street. The military were resorted to upon that occasion, but not until the riot had come under the very noses of his Majesty's ministers. The serjeant at arms had a right to expect that those who supported the issue of the warrant, should have pointed out to him how it was to be executed. If the serjeant had gone to consult his learned friend (Mr. Adam), he was convinced he would have received much better advice than it appeared he had received. His hon. and learned friend had very properly not considered the question on narrow grounds of legal analogy, but rested it upon much higher grounds. The House must have every power necessary to give effect to its warrant. What other court had the same power to send its officer to search the house of a witness for papers, as that House had done last year in the case of captain Sandon? The House unquestionably possessed all the powers necessary to enforce its warrant, and it was with regret he found these powers weakened by being placed upon lower grounds than those upon which they actually rested. The warrant was an attachment of a criminal nature, as having issued upon a conviction declared by a vote of that House. With respect to the question before them, he could not help agreeing to the amendment of the right hon. the Chancellor of the Exchequer, though with a view to unanimity, he should throw out the propriety of substituting for "a high aggravation of his previous offence," the words, "that the House had received the paper with great indignation." If his hon. friends should agree to a resolution so worded, they might pass it with unanimity, but at the same time, he must add, that he had himself no objection to the words of the amendment as it then stood.

Mr. *Beresford* observed, that however indecorous or disorderly it might be for gentlemen to interrupt others when speaking, by expressing the words "yes," or "no," the House would excuse him when he admitted that he was one of those who had so interrupted an hon. and learned gent. (sir S. Romilly.) If that hon. member were then present, he should gladly make an apology to him. The ground of his interruption was, that to a question put by the hon. and learned member, he was anxious to answer that he did not regret the vote which he had given in the former instance; for however enigmatical it might appear to others, it was his opinion, that except the shedding a little blood, much good had resulted to the constitution and the country from the whole proceeding. He had voted for sending sir F. Burdett to the Tower, because he thought his object was to overturn the constitution, and revolutionize the country. When he had used the words. "No, no," therefore, it was to shew that he was not afraid that, in case of his expulsion, the electors of Westminster would re-elect this sanguinary man; he could use no other term, because if he were not sanguinary, he might have maintained his principles without hazarding the effusion of blood. He was not to be intimidated; nor did he think the House would be intimidated by any apprehension from a mob. If he was not aware that he should not carry the feeling of the House with him, he would move for the expulsion of that hon. baronet. He should, therefore, vote for the amendment of the right hon. the Chancellor of the Exchequer.

Lord *Milton* meant to confine himself in what he should say to the subject actually before the House. They had two propositions before them, one for passing over the Letter without any notice; the other a resolution, that it was a high aggravation of the former offence. To the first he could not give his concurrence, and still less upon the arguments employed by the hon. gent., its author, in recommending it to the House, because, if good for any thing, these arguments would be good against taking any steps whatever against the hon. baronet. He agreed that it would be unworthy of the magnanimity or the dignity of the House, to be intimidated by any fear of the mob, or by the terrors of a Westminster election. But as he could not support the motion, so neither could he agree in the amendment, because whilst it agreed that the Letter was a high aggravation of the previous offence, it still stated that it was not necessary to take further notice of it at present. The Letter either was or was not an aggravation of the former offence. If it was an aggravation, the House should notice it. In evading any notice of the Letter, the amendment would have the same effect as the motion. If it was not an aggravation, it was better not to take any notice of it. But as all were agreed that the Letter was an aggravation, the resolution should be worded in another manner. The House was bound to take some further steps, which it was not for him to point out. And here they had experience of the embarrassment resulting from their vote for commitment. Had they stopped short at reprimand, they might have still something in their hands. But they had expended all their ammunition, and had inflicted the greatest punishment at once. If they had stopped short, they might, in this instance, send the honourable baronet to the Tower. As he could not agree in either the motion or the amendment, he should not feel himself at liberty to vote for either, and should consequently vote against both.

Mr. *Lyttleton* thought, that if ever there had been a question that called for unanimity, it was the one under consideration. He should not, however, travel into the extraneous topics which had been introduced into the discussion, and by none more than by the hon. and learned gent. (Mr. Stephen), whose compliments to the gentlemen on his side of the House, he looked upon as insults, and upon whose observations, considering his age and learning, he should not animadvert, if he had not heard them with a degree of indignation. Notwithstanding the defence of his Majesty's ministers, which had been made by that hon. member, he was convinced that much of the guilt would fall upon them. Whatever opinion might have been entertained of the propriety of censuring the former Letter of sir F. Burdett, there could be but one opinion as to the latter. No hon. member could doubt that it was an insult to the Speaker, and through him to the House. To tell the Speaker of that House that he knew the warrant he had signed to be an illegal warrant, was a gross insult, was language which no one gentleman could be permitted to use towards another, far less to the Speaker of that House. The House was therefore bound to express its resentment at the proceeding; and so strongly did he feel on the subject, that he was bound to declare that he felt himself called on, and was determined to resent it. This sentiment he could not utter but with regret. Those gentlemen who were acquainted with the engaging and amiable manners of that hon. baronet would give him credit for the reluctance he felt on this occasion. Whatever he found himself bound to say was wrung from him by the strongest conviction, and a conscientious sense of public duty. However painful the task, whatever sacrifice it might cost him on the score of private feelings, he was still compelled, upon considerations of a higher public nature, to perform his duty. It was an imperious obligation upon him, which he was bound unanswerably and unalterably to discharge, by declaring that in his mind the case under consideration was one, which was not to be justified. He could not reconcile it to any principle of patriotism, or public spirit, that one, who professed to be the friend of liberty, and the advocate of the laws, should for four days have continued a fruitless resistance to the Speaker's warrant, at the hazard of incurring the loss of several lives. It was the opinion of a great statesman, now unfortunately no more (Mr. Fox), that nothing could justify resistance but the certain prospect of ultimate success. The hon. baronet could certainly have entertained no hope or prospect of being able, by means of a riotous mob, successfully to resist the whole military force at the disposal of the government; and yet he had, to the great disturbance of the quiet of the metropolis, persevered in a fruitless resistance for four days.

Amongst the various grounds of complaint which he had against the hon. baronet, he could not pass over his implied promise to the Serjeant at Arms, to accompany him to the Tower. He had lived on terms of friendship with that hon. baronet: but this was an act so wholly unworthy of him, that he must for ever abjure him either as a private or a political friend. Another ground of complaint on his part against sir F. Burdett was, that from the first to the last moment of his obstinate and unconstitutional resistance, he had been attended in his house by the brother of a notorious and avowed traitor. This he could not easily forgive him. He was far, indeed, from inferring the treason of one brother from the treason of another. He did not therefore mean, by any means, to say, that Mr. Roger O'Connor was a traitor. But if, what was impossible, he had been in the situation of sir F. Burdett, he should not have associated with any man to whom even a shadow of suspicion could attach; he should not have been attended by the brother of Arthur O'Connor, that vile traitor, who employed himself in writing, in a paper published in the English language at Paris, the most foul, false, and scandalous libels upon the British government and nation: a paper printed in the English language no doubt with a view to be circulated for the dissemination of his sedition and treasons, in these realms. Was this the manner, by the introduction of foreign libels and treasons, that the liberty or public spirit of the country was to be asserted and animated? All such proceedings of the hon. baronet he should from the bottom of his heart disclaim, and was determined to oppose him in every instance. He had but one word more to add. He had thought that the former Letter ought not to have been noticed, because he had a doubt as to the propriety of the proceeding proposed. The House, however, was the best judge of its parliamentary privileges. He had never a doubt that it was an offence that might be punished by a reprimand or a prosecution. But on this occasion he should vote for the amendment, as the stronger measure.

Sir *James Hall* supported the amendment.

Mr. *C. Hutchinson* trusted that his public conduct would protect him from the imputation of speaking disrespectfully of the Commons of the united kingdom. Neither could he be supposed capable of giving his sanction to any attempt at disturbing the tranquillity of the metropolis, or of any part of the empire. Having thought it necessary to make these preliminary observations, he could not acquiesce in either of the motions now proposed, to be founded upon the Letter of the hon. baronet. Since first the discussion upon these unfortunate transactions was originated, he uniformly took a totally opposite course to that of the right hon. gentlemen who were in administration. The first opportunity that he had, he declared his opinion against the committal of Mr. Gale Jones. He was not in the House when that question was first brought forward; but on a subsequent occasion he deprecated the course pursued, and was one of a minority of 14 who voted for his liberation. Without entering into any discussion upon the exercise of the privilege which the House had assumed, he did conceive that the imputed offence of Mr. Jones was the most venial, and that the exclusion of the public from the debates of that House at that particular moment, was a considerable provocation to popular discontent. If it did not amount to an outrage upon public feeling, it was to say the least of it a great unkindness towards the country. When he had read the arguments of the hon. baronet upon that committal, however he did regret the introduction of intemperate language, still he was fully decided that through the whole of that argument, and in every inference the hon. baronet had made, he was correct. With such impressions upon his mind, there was nothing in the conduct or in the arguments of the right hon. gentlemen opposite to induce him to alter his original conviction. He would not directly say, that the resolutions against the hon. baronet were first introduced at the will of the ministers, however strongly he felt the great interest and impatience expressed by them to press and precipitate a hasty decision upon that very serious subject. Believing then, the House chargeable with an exercise of hardship against Mr. Jones, and acquiescing in the correctness of the arguments of the hon. baronet, it was impossible for him to vote for either the motion of the hon. gentleman (Mr. Curwen) or the amendment of the Chancellor of the Exchequer. The former gentleman had that night called upon the House to rally at that crisis around the government. In answer to such an appeal, he must say, that whilst he trusted upon every occasion to prove his attachment to his Sovereign and country, he still must contend that no body of men in that House could or ought to place their confidence in any ministry who did not unequivocally make to the country specific declarations in favour of that reform which every sound mind now saw was absolutely necessary, and without which it was hopeless to look for the support and confidence of the people of these realms.

Mr. *Curwen* trusted, that, after some things which had been said in the course of the debate, he should obtain a hearing. He was charged with being afraid of the mob. Now, he could assure the hon. member who made that charge, that in submitting his motion to the House, he was influenced by no feeling of the kind. His object was to obtain unanimity. Considering the transactions of the last few days, he felt it to be his duty, and the duty of every man who revered the constitution, to support the government. He regretted the debate had taken the turn it did, and that, instead of confining the discussion to the specific matter of complaint before the House, hours should have been passed in endeavouring to fix upon ministers the charge of negligence. In suggesting the course expressed in his motion, he also had it in view to prevent that disgraceful Letter from appearing on the Journals of the House. He thought the motives of ministers were well directed in so speedily preparing so large a force, to ensure the peace of the metropolis, and enforcing the orders of the House. He did not know that he should have acted differently from them, considering the heavy responsibility attached to their conduct. This was not a moment to pass a censure on their conduct. In a short time he trusted the electors of Westminster would see the conduct of the hon. baronet in its true light. If it was the wish of the House, he had no objection to withdraw his amendment.

The *Speaker* observed, that could not be done without the consent of the seconder.

Mr. *D. Giddy* consented.

Mr. *Whitbread* would not agree to the amendment not being put.

Mr. *Gooch* was sorry that the amendment was not adopted. He must at the same time take an opportunity of declaring, that no resolutions of that House would be strong enough to express his abhorrence of the hon. baronet's conduct. What opinion would any man of honour entertain of that baronet's conduct after having forfeited his word to the serjeant at arms. He never had but one opinion of him. He was persuaded that it had always been his wish to produce such a crisis as this.

Lord *Cochrane* felt conscious that he could not be charged with any desire to throw the country into a state of intestine commotion, however he might feel it his duty to disapprove of some part of the conduct of that House. The question immediately before the House could not be fully considered without reverting to others of a nature to call forth the most serious deliberation. For his own part, he was free to state, that in his judgment, the House of Commons was not warranted in committing Mr. John Gale Jones for an offence cognizable by the laws of the country, and that its officer in the execution of a warrant issued by its order was not justified in breaking into the house of any of his Majesty's subjects. The crown enjoyed its prerogative, as well as that House its privileges; yet the crown never was the judge of any violation of that prerogative, such an attack was canvassed by parliament. It was no new doctrine with him, inasmuch as he had opposed the principle seven or eight years ago in the case of courts of inquiry, where decisions were made and judgments pronounced, by those who were not sworn themselves, nor had the power of administering oaths to witnesses. Where the law was settled for entertaining certain defined offences, such as libels, he was persuaded, the only just, and, of course, constitutional course, was to refer them to the disposal of the competent jurisdictions, and not risk the violation of a positive charter, by a summary punishment inflicted without a due trial. He did not think that it was legal in that House to employ a military force for the execution of its warrant—a measure which, he understood, was adopted in the case of the hon. bart., many soldiers having entered the house of sir Francis Burdett, with the serjeant at arms. But above all, he was convinced that the House would more efficaciously uphold its dignity, by proving to the people that their actions were strictly correct and patriotic, than by any attempt to restrain the popular discussion upon such actions, under the shallow pretext of a disputed and undefined privilege.

Mr. *Bathurst* said that it appeared from the evidence of the serjeant at arms, that it was the civil power that first entered sir F. Burdett's house. It was possible, however, that their officer was mistaken. The noble lord might have been in the house, and known better. He wished that it should be made part of the motion, that the object of the House having been gained by the imprisonment of the honourable baronet, it did not think proper to proceed further.

Sir *C. Burrell* was astonished to hear any imputations thrown upon the military, whose conduct had been most exemplary. Their forbearance on the disgraceful insults offered to them by a rascally mob deserved the highest commendation.—There was not one decent man to be found among those who engaged in these scandalous scenes. There was, however, it would seem, no want of assassins among that vile crew. Last night an officer was fired at in the purlieus of the House by a scoundrel; the ball passed through his hat, and had well nigh annihilated him. He condemned the conduct of sir F. Burdett from first to last. Had he been in the situation of that person, he would have gone quietly to the Tower, sooner than endanger the shedding of one drop of blood.

Mr. *Wilberforce* was still impressed with the propriety of the course he pursued on the former occasion, in voting for the reprimand. He believed it would have made a far different impression upon the hon. baronet than was made by the committal to the Tower. He had seen an elevated character approach to that bar in order to be reprimanded, with great apparent levity; but he soon saw him so humbled by the commanding and impressive censure of the chair, that he departed lowered, depressed, and penitent. He did think that the amendment of the Chancellor of the Exchequer could be so modified, as to remove the objections which were entertained to the term "aggravation."

Mr. *Boyle* defended ministers from the aspersion of their opponents. It was most mischievous, in his opinion, to attribute all the calamities, as they were called, of the late riotous proceedings to their misconduct, rather than to the jacobinical spirit which had so recently manifested itself.

The question was loudly called for, and strangers were excluded.

After strangers had been excluded from the gallery, the question of adjournment was not pressed to a division. Before we were re-admitted, the Chancellor of the Exchequer had proposed his resolution of censure upon the Letter of sir F. Burdett to the Speaker of the House of Commons, which stated the said letter to be an aggravation of the former offence committed by the hon. baronet. The right hon. gent. then added that if he could thereby insure unanimity, he would withdraw the words of reference to former proceedings.

Mr. *Whitbread*, on this, declared that he could not agree to the resolution with those words, because, having contended, that no offence had been committed by the Letter and Argument laid upon the table by the member for Somersetshire, he could not say that that offence had been aggravated, which, in his opinion, had never existed. He was ready to admit, that the Letter to the Speaker was a high breach of the privileges of the House. Whatever doubt might be entertained of the legality of the commitment of Mr. Gale Jones, or of the warrant against sir F. Burdett, or of the expediency of resorting to either of those measures, there could be no doubt that this was a case in which the House was aggrieved; and where redress could not be sought elsewhere. The House must, therefore, of necessity, take cognizance of it itself. It had been objected to him and others, in the course of the night's debate, that they had grown confident respecting the mode of executing the warrant, from their knowledge of the event: to this he would answer for one, that he had expressed his opinion upon the force of the Speaker's warrant, if issued upon proper grounds, in a conversation he had held with the serjeant at arms, whom he accidentally met, before that officer had ever been at the house of sir F. Burdett. Upon the question having been then proposed to him, how he would act in such a case? he had said he would immediately wait upon sir F. Burdett, and ask him how he intended to conduct himself? If he intended to go voluntarily, that the utmost courtesy as to the mode should be used. If he wished for a nominal force, for the purpose of establishing his principle and maintaining his action, it might be instantly applied without difficulty or molestation; if he would not yield except to actual force, that the serjeant should forthwith collect such a force as would overpower him, and render resistance hopeless. The honour of sir F. Burdett had misled the serjeant into a supposition, that he would accompany him to the Tower the next morning; nor was the serjeant to blame for having so conceived of the intentions of sir F. Burdett, but it was too much to say that sir F. Burdett had broke his word with the serjeant. Upon the whole, Mr. Whitbread said that he was willing to adopt any parliamentary phrase, however strong, to characterize the Letter addressed to the Speaker, provided no term of reference to any former proceeding was inserted; for the Letter itself he thought exceedingly ill composed, and highly offensive.

The *Solicitor General* for *Scotland* was desirous of retaining the original words.

Mr. *Whitbread* could not consent to the word aggravation, and proposed "flagrant," as a parliamentary word, and at the same time a word sufficiently strong; and that the expression should be, "flagrant breach of the privileges of the House."

Mr. *Tierney* wished for an unanimous decision, which he thought might be obtained if the Chancellor of the Exchequer would make interest with the solicitor-general for Scotland to give up the word "aggravation."

Mr. *Wilberforce* thought the mode proposed by the hon. gent. (Mr. Whitbread) would be a more marked expression of the sense of the House than the retaining the words of reference proposed by the Chancellor of the Exchequer.

Mr. *Owen* was of the same opinion.

Mr. *Adam* expressed a similar opinion.

Mr. *Giles* thought the House should pass a substantive condemnation of the Letter without the words of reference.

The *Solicitor General* for *Scotland*, disclaimed any wish pertinaciously to insist upon his opinion.

The *Chancellor of the Exchequer* was extremely desirous of unanimity upon this occasion, and wished therefore to adopt the suggestion of the hon. gent. (Mr. Whitbread). In order however that it might not appear on the Journals that the original words relative to aggravation had been left out, he requested he might be allowed to propose the words suggested by the hon. gent. as a part of the original motion.

Mr. *Whitbread* consented.

The *Speaker* requested to be informed of the wish of the House, as to whether the Letter of sir Francis Burdett should be entered upon the Journals, observing, that there were precedents both ways, and that it was entirely optional with the House.

It appearing to be the general sentiment that the Letter should not be inserted on the Journals, the Speaker said he would give directions accordingly.—It being also understood that the Amendments moved should not appear on the Journals, the Speaker said he would give directions accordingly, and the question was put as an original motion, "That it is the opinion of this House, that the said Letter is a high and flagrant breach of the privileges of the House; but it appearing from the report of the serjeant at arms attending this House, that the warrant of the Speaker for the commitment of sir Francis Burdett to the Tower has been executed, this House will not, at this time, proceed further on the said Letter." Agreed *nem. con.*

[Exchequer Bills.] Mr. *Whitbread* said, that a statement had been handed to him, from which it appeared, that on the day appointed for the holders of Exchequer Bills to attend at the Exchequer Bill office, for the purpose of delivering them to be funded, persons were admitted by a private door before the public door was opened, and that great partiality was shown in making up the list. He therefore, thought an inquiry was necessary.

The *Chancellor of the Exchequer* was convinced it would be found, that there was no foundation for the statement which had been handed to the hon. gent. He agreed however, in the necessity of inquiry, and moved for the appointment of a select Committee for that purpose, which was agreed to.

HOUSE OF LORDS.

Thursday, April 12.

[Foreign Corps.] The Earl of *Liverpool* presented a return of the effective strength of the foreign corps in the service of Great Britain, and explained to their lordships the difference between the number as appearing in the account he then presented to the House; namely, 31,000, and the number as stated in the army estimates, namely 23,000. In the former the West India regiments had been included, which were excluded from the army estimates under this head, and which did not properly come under the denomination of foreign corps; these amounted to about 7,000 men. In the return also was included the 60th regiment, which was excluded from this head in the army estimates. This regiment consisted of five battalions, amounting to about 5,000 men, a large portion of whom were foreigners. In the army estimates, likewise under this head the 97th regiment was included, which was excluded, from this return, and he thought properly excluded, as the regiment chiefly consisted of Irish. Thus it would be found, that excluding the West India regiments and the 60th regiment, the foreign corps would amount to about 18,000.

The Earl of *Rosslyn* observed, that the 60th regiment could not be properly classed amongst foreign corps, as the greater part of the officers were British, who were promoted in common with the officers of other regiments.

The order of the day having been read,

Lord *King* said, if any apology was necessary for his introducing this subject, it would be found in the act of the 44th of the King, relative to the introduction of foreign troops into the country. It was only within the last ten years that foreign troops had been stationed in the country, without even the pretext of any immediate fear of invasion; and particularly that foreign generals had been employed on the staff in this country. Such had been the constitutional jealousy upon this subject previously entertained, that it was only upon particular emergencies, and under special circumstances, that foreign troops were allowed to enter the country. By the act of the 29th Geo. 2 a corps of this description had been formed for service in America, but it was specially enacted, that the colonel should be a natural born subject of his Majesty. Subsequently there was an act made to allow of certain Hessian and Hanoverian troops remaining in the country, then under the fear of invasion. In the American war also, there had been a communication made to parliament on the subject of Hessian and Hanoverian troops coming into the country, and an act was specially passed. In all these acts, however, the greatest caution was used, and the most watchful constitutional jealousy appeared. But within the last ten years a system of employing foreign troops and foreign generals had grown up, which he could not but consider as highly unconstitutional and improper. By the act of the 44th of the King, the employment of regiments of foreign troops in the country to a limited extent was legalized, and also the appointment of foreign officers therein; the reason assigned for which was, that the troops might have officers acquainted with their manners and language. This was a perfectly good and intelligible reason, but it was evident, from the continued use of the word in the provisions of that act, that the act was only intended to apply to and authorize the appointment of foreign regimental officers and not to the employment of foreign generals. And he could not but consider, that the employment of foreign generals in Great Britain could only be sanctioned by a strained and forced construction of the act, which the object of it, as designated in the preamble, could by no means warrant. It was true, there were general words towards the conclusion of the act, the meaning of which was doubtful; but if they were to be construed to authorize the appointment of foreign generals, as at present upon the staff, they must be taken to go much further, and to sanction the appointment of a foreigner to any military command even that of commander in chief. Nay, (and he threw this out for the serious consideration of the noble lords opposite,) his Majesty might under this construction of the act appoint a catholic commander in chief, provided that catholic was an alien. He observed that this act passed on the 16th of July, a period of the session when little or no attention could be paid to it, and when it was probably not considered with any deliberation adequate to its importance. Their lordships were aware, that by the act of settlement, the appointment of a foreigner to any place of trust or profit under the crown was rendered illegal. Previous to that act in the early part of the reign of William 3, there had been some distinguished foreigners employed as generals in the British service, particularly marshal Schomberg, who held a high command in Ireland. The act of settlement, however rendered that practice illegal, and it so continued, unless it was to be considered as legalized by the general words of the act of the 44th of the King, to which he had referred. He could not but consider the appointment of foreign generals on the staff as highly objectionable, and more peculiarly so, that they should have the command of districts, and thereby have the command of British generals and our native troops. There appeared also to be a very improper partiality shewn towards these foreign troops and generals. It appeared on the face of the returns, that the expense of the foreign cavalry was stated at 47*l.* per man, whilst that of our own cavalry amounted to only 44*l.* per man. In the account likewise of the charges for recruiting, there appeared a great disproportion, the charge being 145,000*l.* for our own troops, amounting to 174,000 men; whilst in the estimate for recruiting the foreign troops the charge was 50,000*l.* for only 23,000 men. With respect to the foreign officers also, it appeared that the whole of those, who were on the staff, were either colonels or lieutenant-colonels on full pay; whilst half our own officers on the staff were colonels or lieutenant-colonels on half pay; and it was known that, by a regulation, those officers on half pay who were appointed on the staff lost their half pay, whilst those who were in full pay retained it. He had thought it right to call their lordships' attention to this subject, conceiving, as he did, that the employment of such a number of foreign troops was in these times extremely impolitic if not highly dangerous. Many of them were natives of countries now under the dominion of the enemy, and might have to fight against their countrymen in the service of the enemy. This was a situation in which men ought not to be placed. It was holding out a great temptation to them, whilst on the other hand they could have no interest in the welfare of the country which they served, and but little even in its political independence. He was however, chiefly desirous of taking up the question upon a constitutional ground; and in this point of view he could not but consider it as highly unconstitutional, that foreign generals should be employed, in the country, and still more that they should be appointed to the command of districts where they had the command of our own national troops. His lordship concluded by moving a resolution declaratory of the impropriety of thus employing foreign generals.

The Earl of *Liverpool* did not think that the noble lord had laid any sufficient ground for his motion. With respect to the facts relative to the introduction of foreign troops, the noble lord was correct in stating that an act was passed in the first year of the present war, in consequence of the Hanoverian troops coming over to this country (Hanover having been at that time seized by the enemy) for the purpose of legalizing their introduction here; and the reason of the late period of passing the act was, that the occasion of the troops coming here had but then just taken place. [It was, however, observed from the other side, that the act of the 44th of the king was passed the year after the commencement of the war, and the earl of Liverpool acknowledged that he was mistaken.]—The principle of this act was recognized in another act passed in 1806, when the noble lords opposite were in administration, whom the noble lord (King) usually supported. The former act allowed the introduction of foreign troops into the country, to an amount not exceeding 10,000 men, and the latter not exceeding 16,000 men. Thus far, therefore, the constitutional jealousy of introducing foreign troops was waved by the late administration, and the measure was sanctioned by the legislature: as to the appointment of foreign generals on the staff, it was of essential use with reference to the service of the foreign troops, and he did not conceive there was or that there could be any legal objection to their appointment. They had not, however, the command of districts, as supposed and asserted by the noble lord. With respect to the difference which appeared between the expense per man of the British and foreign cavalry, it merely arose from a different mode of making up the accounts in this part of the kingdom and in Ireland. As to the statement relative to the foreign generals being allowed their full pay, there could be no fair comparison upon this point, because the regulation that officers enjoying half pay, which was considered in the nature of a pension, should give it up on being appointed to the staff; and that officers on full pay, which was considered as pay for actual service, should retain it on being placed on the staff, applied equally to the British and foreign generals. As to the policy of employing foreign troops in our service, he had not conceived, until he heard the noble lord give notice of his motion, that there existed a doubt upon the subject, and with the enemy with whom we had to contend, and under the present circumstances of Europe, he was convinced that the employment of foreign troops, to a limited extent, was highly politic and expedient. He should therefore oppose the motion: and upon this ground his lordship moved, That the other orders of the day be now read.

The Earl of *Rosslyn* observed, with respect to the act of 1806, that the introduction of it by his noble friends, then in administration, was rendered necessary in consequence of the number of Hanoverian troops who returned from the expedition to the Elbe, having become greatly increased beyond the number who went there, through the unfortunate result of that expedition. On the arrival of that expedition in Hanover a proclamation in the name of his majesty, as elector of Hanover, was issued, calling upon the Hanoverians to join the British standard—a great number did so, and the German Legion, which went out about 5,000 strong, was increased to 10 or 12,000 men. In consequence of the result of that expedition, it became of course absolutely necessary to pass an act, in order that these additional troops might be legally employed in the British service. His lordship then entered into some details, shewing that it had been erroneously supposed that the expense of the foreign troops, particularly the German Legion to which he more particularly adverted, was more per man than that of the British troops. With respect to the employment of the foreign generals, he did not consider himself competent to give an opinion upon the construction of the act of the 44th of the king, but he could not help thinking that the words of the act left room for some doubt. The fact was, however, that no foreign general had the command of a district; those generals commanded their own brigades, and it was highly useful to the service that they should do so, from their acquaintance with the manners and language of the troops. But he was ready to admit that a foreign general might accidentally have the command of the militia or other troops in a district in which he was stationed. His lordship spoke in high terms of the services of the troops of the German Legion wherever they had been employed, and also of the generals, particularly barons Linsingen and Alten, with whom he had been on service. As to the number of foreign troops actually stationed in Great Britain and Ireland, it did not exceed 5,000 men. He thought, however, that the noble earl (Liverpool) had said more than he had intended to say in stating that the legislature had sanctioned the constitutionality of the introduction of foreign troops.

The Earl of *Liverpool* in explanation observed, that he had never intended to say that the legislature had sanctioned the constitutionality of introducing foreign troops, but merely that the acts which had passed had by legalising rendered it not unconstitutional in ministers to introduce these troops into the country. He certainly never meant to give up the old constitutional principle; on the contrary, he considered these latter acts as exceptions to the general principle.

Lord *Grenville* rose to say a few words on this subject; first, with respect to what the noble secretary of state had alluded to respecting a bill passed during the few months he had last the honour of serving his Majesty. He wished noble lords to recollect, that a bill on this subject was passed at the close of the session of 1804; and he hoped they would take the benefit of example from this instance, and every other of this kind, and in future guard against the difficulties and dangers consequent on such a mode of introducing important bills into parliament, or they would but ill discharge their duty. He would venture to say, that it was in consequence of such a practice, that the employment of foreign generals remained a matter of legal doubt, even under the provisions of that bill, notwithstanding a practice of six years continuance; all which doubts might have been effectually prevented, if that act had been precisely and properly framed at first. When he, and those with whom he acted, proposed the bill alluded to, in 1806, they gave no opinion on the subject, and, consequently, none could be fairly imputed to them. The formation of the measure was in 1804, and the troops had been sent abroad, where most properly such troops should be sent, to their own country, to the north of Germany. During the first week the noble lord was in office, he was in daily fear that army would never return: but luckily it was saved from the wreck of Germany, and from the rashness of administration. He also at the same period learned the increase of their numbers. They had been invited to join the British standard in consequence of advice (which would have been reluctantly given by himself,) not as fugitives, but for the deliverance of their own country, and of Europe, on the faith of a proclamation. Their situation had to a certain degree become desperate, and they were on their way to the British shores. It was in that case impossible to exercise any discretion on the subject; nothing was a more imperious duty than to keep sacred our faith. Whether the original question were right or wrong, ministers on that occasion had no option. The present ministers wished always, from a bad habit, to shove off responsibility on the shoulders of others. He could assure them that he came down disposed not merely to defend the policy he had adopted, but also that of 1804. He was not afraid to avow his opinion, that the circumstances of this country and of Europe rendered it advisable, to a limited extent, to employ such troops to fight in the common cause. The impression on his mind was not against the employment of the troops, but against the number of foreign generals commanding districts. This was a case that ought not to admit of doubts, which, it was unnecessary for him to say, might, under certain circumstances, be questioned in the most disagreeable manner. He was much obliged to his noble friend (lord Rosslyn) for his statement respecting the manner of employing the foreign officers, of whom and of the troops, he had no doubt of the merits. They (the officers) should be employed as brigadier generals; but it was always an inconvenience when they were employed in higher command, especially at home. Government ought therefore, to take great care that such command should be, if possible, but temporary. The King's servants were bound, in such a case, to exercise more than usual caution.

The other orders of the day were then read; after which, their lordships adjourned.

HOUSE OF COMMONS.

Thursday, April 12.

[Resolutions respecting Mr. Hunt's Securities.] Mr. *Calcraft* rose. He had, he said, given notice of two motions, the one respecting the very reprehensible conduct of the board of ordnance, in not taking securities for the fidelity of Mr. Hunt in the responsible situation he filled; the other for the expulsion of Mr. Hunt, as a member of that House. The latter motion he should postpone for the present, as certain documents necessary to be in the hands of members were not yet printed. The former motion, he should bring on now, in doing which, he felt it quite unnecessary to trouble the House at any length, the facts were in themselves so simple, and the duty of the House to pass a strong censure on the parties implicated, so obvious and so urgent. It appeared from the general orders in the reign of Charles II. that a regulation was made for the direction of the board of ordnance, by the neglect of which, in the case of Mr. Hunt, that board had been guilty of a great and reprehensible omission, whereby the public had sustained a loss of 10,000*l.* and for which, according to every principle of justice, they ought to be responsible. Under the general order to which he alluded, the board were bound to oblige the treasurer of the ordnance, before he was allowed to proceed upon the duties of his office, to find securities for 10,000*l.* such as the board should think eligible, and as the treasury should approve. But although Mr. Hunt had, for the second time, been appointed to this office so far back as 1807, he was never obliged by the board to enter into any sureties, and he absconded from his office, and left the country with a deficit in his accounts, as appeared from the ordnance returns, of 93,296*l.* It appeared from the report on the table, that a letter had been written to Mr. Hunt by Mr. Crewe, secretary of the board, and dated April 22, 1807, shortly after the appointment of Mr. Hunt, requiring him to enter into the sureties prescribed: but from that time forth it did not appear, by any document accompanying the report, or by any evidence whatever, that any further steps had been taken by the board to oblige Mr. Hunt to give the necessary securities. Now this was so palpable a breach of duty on the part of the board as it was impossible to pass by without censure, consistently with any attention to the responsibility of public officers trusted with the money of the country. If the board had any defence to offer for this flagrant omission, he should be glad to hear it. He had searched and inquired for a motive in every quarter, but could find none. The board of ordnance were amply paid for their own services; they were amply aided by subordinate officers; they sat but three days in a week, and, therefore, could have no plea of being so overwhelmed with business as not to have time to attend to their duty in this case; in fact, they could have no excuse. There was something peculiarly indulgent in the conduct of the board to this gentleman, Mr. Hunt, on the ground of sureties, for which he (Mr. Calcraft) was totally at a loss to account. Upon Mr. Hunt's first appointment to the treasurership, in 1803, he was suffered to remain eighteen months in his office without producing his sureties; and after his second appointment, three whole years passed without obliging him to produce or enter into any. Having stated these facts, he felt nothing more now necessary than to state to the House the resolutions he had to offer. It might be said that that regulation laid down in the general order of Charles the Second was only imperative upon the master general of the ordnance. But every one knew that for a long series of years the official management of the ordnance business devolved upon the board. At present, he believed that there was no such officer as the master-general of the ordnance; and he did not mean to impute the slightest blame to lord Chatham, who, he believed, knew nothing whatever of the transaction. The hon. member then read his Resolutions as follow:—

1st, Resolved, "That it appears to this House, that Joseph Hunt, esq. member of this House, has been twice treasurer of his Majesty's board of ordnance. That he was nearly eighteen months in that office on his first appointment in 1803, before any security was obtained; and that on his second appointment in 1807, it is not recorded in the ordnance department, that any security whatever was given by him, 2. That there is a balance of 93,296*l.* against the said Joseph Hunt, esq. as late treasurer of the ordnance. 3. That the master-general of his Majesty's ordnance is directed in the original instructions of king Charles 2. under which he and the board now act, to take from the treasurer upon his first entrance on the execution of his place, security to such an amount as he may judge necessary, and as shall be approved of by the treasury. 4. That the security taken in the first treasurership of Joseph Hunt, esq. nearly 18 months after his entrance on the execution of his place, was 10,000*l.* 5. That no security was taken on the second appointment of Joseph Hunt, esq. 6. That it is the opinion of this House the master-general and the board of ordnance have been guilty of a breach of the instructions under which they act, and by which they ought to be formed, in neglecting to take security from Joseph Hunt, a member of this House; and are responsible to answer as to this omission of duty, which, from the state of the balances against the said Joseph Hunt, has actually occasioned a loss of 10,000*l.* to the public."

Mr. *A. Cooper* intended no opposition to the main part of the resolutions; but would contend that it clearly appeared that the board at least had not been deficient in their duty. A minute had been made to direct Mr. Hunt's securities to be called for, with which it turned out that he had not complied; but this involved no culpability of the board. He remembered when a similar charge had been brought in the case of sir H. St. John Mildmay's compensation against the treasury board; but on its appearing, that the error was the work of inferior officers, and his right hon. friend the Chancellor of the Exchequer had no share of that error, the censure of the House did not attach to the proceeding, as an instance of the general negligence of the board of treasury. It would be in the present instance an unnecessary and unusual exercise of their judgment to censure the board of ordnance, which lay under similar circumstances; but to obviate a similar occurrence, he should move for leave to bring in a bill to regulate the security to be taken for the faithful discharge of the duties of public offices, and for vacating such offices, unless such security should be given within a limited time. The board did not know that a balance of 11,000*l.* stood against Mr. Hunt, after his first resignation of office. He must on the whole deprecate so severe a censure as that proposed by the hon. gent. on the opposite side.

Mr. *Ponsonby* was surprised that an act like that which had been just stated should have occurred, but was still more surprised at the defence, the idle, superficial, and vague defence, which was attempted to exonerate the board from the blame it so justly had incurred. The defence increased the crime; there was no ignorance of the original transaction; Mr. Hunt's securities had been noted, and a minute made; but the precaution which might have saved a large sum of money to the public was omitted, with the idle and insolent levity of men careless of public opinion or public duty. He would not say that the members of the board of ordnance were all actuated by the same spirit; but it was obvious that there had been a great neglect, and how was it accounted for? The board had directed their secretary to do the business. He (Mr. Ponsonby) knew nothing of the constitution of the board; but if the House could be induced to pass over such a transaction, it would be absurd in them to expect that the country would respect their purity or their pretensions. He would be glad to see the Chancellor of the Exchequer stand up in his place, and after being forced to name the transaction which was then before them, tell them by what title the House was to set forth itself as the guardian of the public purse, if it should suffer it to pass by with impunity. Was it possible that the ordnance board should be so much employed as not to have time to enquire whether the secretary had done his duty? The gentlemen on the opposite side seemed inclined to throw the blame on the secretary; but was any negligence of his to excuse theirs? 10,000*l.* was but a small sum compared with the heavy loss which had been sustained—it was small in those expences to which the present unfortunate state of the world urged us; but the principle was most important; and if this act passed without censure, nothing, he was convinced, could persuade the people of the honesty or the virtue of the House of Commons.

The *Chancellor of the Exchequer* would not defend the ordnance board; but the present censure was unsuited to any rational purpose of correction. He must however, rectify a misconception which had occurred as to the loss of the security. That loss was actually but 5,000*l.* so far as the negligence of the board might have been concerned. There were to be two securities of 2,500*l.* each, with Mr. Hunt's own for 5,000*l.* This last would, of course, have gone, notwithstanding any previous vigilance of the board. The letter of Mr. Crewe, desiring the security, was then on the table—this security was not given, and so far there was an error, but the board had done its duty. He knew that the board ought in strictness—(the word 'strictness' was echoed from the opposite side)—Gentlemen might quarrel with the word, but though in strictness the board should have seen that the duty was done, there was no censure to be attached to them for not following their inferior officers throughout the minute detail of their business: a certain degree of confidence must be reposed in those inferior officers. Whatever neglect had occurred was the neglect of Mr. Crewe; yet it was to be hoped that the House, acknowledging the services of that highly meritorious officer, would not think a censure on his conduct the proper mode of proceeding. Thus situated, his hon. friend (Mr. A. Cooper) had proposed a resolution in addition to those before the House, which, admitting the fact of negligence, went to prevent its recurrence. The neglect was undoubtedly to be charged to the secretary; but his services should stand between him and any severe proceeding on the part of the House. But he believed there was no very violent intention against Mr. Crewe; he could do nothing in one way or the other with party, and it was only with party that the gentlemen on the opposite side were anxious to have to do.

Mr. *Barham* found that the same practice was resorted to on all similar occasions. The crime was always to be thrown off the principal on the subordinate officer. The right hon. gent. had just said that we should consider on whom the censure was to fall; but the true mode of proceeding was quite the reverse; the only question was, whether censure was deserved, and this should be decided, without at all considering where it was to fall. As to the right hon. gent.'s insinuation about sparing Mr. Crewe, because his good or evil could not affect party, it was unjust and unfair. The right hon. gent. would be ashamed of it on a little reflection, and regret that in a peevish moment he threw out an aspersion which it was impossible that he should believe. He was not fond of using strong words, but he was persuaded that the right hon. gent. knew there was no ground whatever for so idle an insinuation. What would the public think if the House should itself determine to screen offences like those which were then calling for their fullest revision.

Mr. *Whitbread* wished to ask one or two questions. Gentlemen on the other side had talked of the laborious duties and minutiæ (he thought that was the word) of the master general of the ordnance's business. (No, from the treasury benches.) Well then, the minutiæ of the board, of which he is the head; that board sat three days in the week, and between three and four hours each time. Here was an oppressive occupation! Did Mr. Crewe make no return of his not having received the securities; and did the omission of that return, which it was their duty to have obtained, or have known the cause of its delay, awake none of the sensibilities of that illustrious board, who sat, like the gods of Epicurus, enjoying their tranquil elevation, without allowing it to be ruffled by any care of governing? Did they not not look over their own minutes, to see if their own orders had been complied with or not? But when it was determined to do nothing, the honest excuse was, that there was too much to do. There had now been no master-general for more than a month, and the Chancellor of the Exchequer had declared that no injury had been sustained by his non-appointment. Here, then, there was a sinecure office. Why not find a duty for the lazy emolument of the master general, and let him look over the securities? The resolutions before the House were fair and unexaggerated; the mere statement of the fact. If they should then decline to do their duty, it was a farce to talk of responsibility; it would be idle to sit there, a mock tribunal, to try allegations which it was previously determined to find false, or to give a judgment which was only a ridicule upon the principles of public and deliberative justice. Who was the proposer of the new act? A member of that very board of ordnance, who admitted the whole charge, and yet shrank from its conclusion. He submitted it to, he would call it, the modesty of the House, to say whether, with those facts before them, they could venture to look the public in the face, after acknowledging that negligence was suffered to operate for three years, till the public lost 10,000*l.* by it; also acknowledging that they did not think, or were not allowed to think, the negligence deserving of censure.

Mr. *Johnstone* thought it would be wrong to pass over such a circumstance entirely; yet, as no charge of intentional guilt had been brought forward, the proposed censure appeared to him rather too severe. The omission might have easily occurred in the multiplicity of business in a great public office. He should, therefore, propose as an amendment to the resolution of censure, the following one; "That it was the opinion of the House, the master-general and board of ordnance were guilty of a neglect of duty, in not obtaining security from Mr. Hunt, the late treasurer of the ordnance."

Mr. *Calcraft* could not let the motion pass away in that manner. For what were enormous salaries to be given, and palaces to be bought, for public officers? For what were 3,000*l.* 2,000*l.* 1,500*l.* a year to be given, but for doing public duty, and guarding against negligence? But why expect all the duty from the secretary? Five members sat at the board table three times a week, with frequently but very little in their portfolios, while one secretary attended, and was fully occupied every day from ten in the morning till six in the evening; the board attending only from twelve to four, or five. He would ask any gentleman in the habit of attending at public boards, whether when a letter was sent, the answer was not looked for at the regular time? Why was not Mr. Hunt's security rigorously required, when it was known that he had left office before with a balance of 11,000*l.* against him? A great sum was lost in consequence; yet even if nothing were lost but the security, 10,000*l.* were too much; nay 10*s.* of the public money would be too much to be thrown in such a manner away. The Chancellor of the Exchequer amused himself with observations on the party feeling which might make them spare Mr. Crewe, because his injury could not affect party. But was the surveyor-general of the ordnance a person connected with party? In this view the board of ordnance was not worth powder and shot; it was not worth five farthings, whether the present members were in or out, so far as party purposes were concerned; but there was a principle which would account for his pressing the point. He was, as a member of that House, bound to look into the disposal of the public money. Thin as the House was then, could it be supposed that he (Mr. C.) felt himself so much lowered in the opinion of his friends as not to be able to have collected a fuller attendance, if party purposes were concerned? but his only object was public justice. Was there to be censure or not? If the minister had a minister's power, he would have displaced some of the members of that board; but bound up in trammels, as he was, he must submit, and appear in that House the humble apologist or the boasting defender of conduct which he must know to be inconsistent with every feeling of public duty. There were in the board but two active situations; one that of the surveyor, and the other that which was held by the hon. gent. (Mr. A. Cooper); the rest were the mere sleeping partners of the concern. When he (Mr. Calcraft) was at the board, he always demanded security, and followed up the demand. If the hon. gent.'s (Mr. Johnstone's) resolution were more acceptable, he must be satisfied with it, but not till he had tried his own.

Mr. *A.Cooper* begged leave to call to the hon. gent.'s remembrance, that Mr. Ridge, the ordnance agent, had been suffered to remain in his office for a year without security, though large sums of money, at least 100,000*l.* a year were passing through his hands.

Mr. *Calcraft* professed his total ignorance of the transaction: he only wished to have his public conduct thoroughly sifted, in every situation in which he was placed; and if he had not done his duty in the fullest manner, he was ready to submit to all the censure which could be laid upon him. He had no idea of affixing individual or peculiar blame to the master-general.

The *Chancellor of the Exchequer* thought that it was no wonder, when the hon. member so triumphantly boasted of his perfection, that his hon. friend near him (Mr. A. Cooper) should have produced a slumbering fact, to make him recollect that it was at least human to err. It was rather evident, that in the zeal of his reform the hon. gent. was himself not infallible. The act now proposed was to prevent a recurrence of the injury which had occurred, and by operating as a check on the person who received the office, it would do more to effect its purpose than any stimulus applied to the board.

Mr. *Ponsonby* did not know what effect

the fact just stated might have had on the House, but it had none on him. Allowing that there had been a neglect on the part of the hon. gent. near him, it could not excuse the negligence of others. Recrimination was not justification; this agent Ridge, was appointed by the master-general, and no minutes of his appointment, or his security, were laid on the board table. Millions, or at least many 100,000 pounds in the year passed through Mr. Hunt's hands, while Mr. Ridge was intrusted with a far inferior charge of the public money.

The question was then put on the several Resolutions. The first five were adopted. The previous question was moved on the sixth, with a view to the adoption of the following Resolution.

"That it is the opinion of this House, the master-general and board of ordnance have been guilty of an omission of duty, in neglecting to take security from Joseph Hunt, esq., a member of this House, and late treasurer of the ordnance, in conformity to the instructions under which they act."

Mr. *Calcraft* thanked the Chancellor of the Exchequer for the vote he had at length given, by which he admitted that the blame did not attach to the Secretary, as he originally contended, but to the Board. He now thought it his duty to defy his hon. friend opposite to bring forward the charge alluded to against him. He should not call him his friend only, but his thrice honoured friend, if he would do so, and afford him an opportunity of meeting it. He thought it impossible, after the Resolution last adopted by the House, that they should now fail in declaring the conduct of the board to be censurable. If they did not do so, away at once with all ideas of votes of censure proceeding from that House. He should therefore move, "That for such omission of duty, the said Board is deemed censurable by this House."

Mr. *Johnstone* certainly thought it his duty to vote against this Resolution. The House had already censured the conduct of the board of ordnance in this particular. To prevent the possibility of the recurrence of such an evil was now the preferable mode of proceeding. This, he thought, could be only done by a bill; but, he hoped it would provide that the securities should be in a greater proportion to the sums passing through the Treasurer's hands, than they at present bore.

Mr. *Whitbread* thought it impossible for the House, after the Resolution they had come to, not to follow it up with censure. The right hon. the Chancellor of the Exchequer had at first endeavoured to throw the blame on Mr. Crewe, and had no objection to his being censured, provided he could skreen his headless Board, which he could get no person to take off his hands. The blame, however, being now declared to belong to the unfortunate Board, he presumed to think that a censure must follow. Supposing a bill to be introduced in the terms proposed, and that the board did not chuse to inquire for one or two years whether the treasurer had lodged his securities, but on finding that he had not, should then dismiss him, what security was this that he might not then retire, owing a balance equal to that due by Mr. Hunt? He could not conceive that even in a House like the present (there being very few members in the House) they could come to a vote that that board was not to be censured.

The *Chancellor of the Exchequer* could not deny that in point of strictness the heads of the board were responsible. The greatest degree of responsibility, however, he thought, attached to the secretary. He should not move to negative the Resolution, but should move the previous question.

Mr. *H. Thornton* thought the Resolution rather superfluous. It appeared to be doing over again what had been already done. As it was agreed that praise should not be too freely bestowed, the same rule, he thought, should extend to censure also. He suspected that much was owing to something amiss in the constitution of the Board. He could not, however, negative the motion, neither did he altogether approve of the previous question, but was anxious that the Resolution should be withdrawn.

After strangers were excluded, and before the division, a conversation arose, to the following effect:

Mr. *Babington* said, that he could not agree to the previous question. He was satisfied there was blame, and he thought it sufficiently expressed in the preceding Resolution, therefore he might think the additional censure now proposed superfluous; but the previous question was inconsistent with the censure already expressed, and he could not vote what was inconsistent with that. [Hear! hear!] He wished the Resolution to be withdrawn, but if not he must support it.

Mr. *Wilberforce* differed with his hon. friend, and conceived the previous question only meant that the House thought it had sufficiently censured the conduct of the Ordnance in the former Resolutions. He thought that conduct well deserving of censure, and therefore he had supported the Resolution to that effect. Having done so, he was against going farther.

Mr. *Brougham* preferred the view taken of this question by his hon. friend (Mr. Babington), to that adopted by his hon. friend behind (Mr. Wilberforce), and for this reason—that by voting for the previous question, the House in fact said, whereas the board is censurable, therefore we will not censure them. Let gentlemen reflect well before they told the country that the consequence of a public board being almost unanimously found to have been guilty of great neglect of duty, was, that no notice whatever should be taken of it. [Hear, hear!] This was, in a few words, the meaning of the vote for the previous question.

Mr. *G. Wilson* could not agree with his hon. friend (Mr. Brougham). He thought he refined too much on the matter. All had agreed in voting a certain measure of censure, and he was not for voting any more.

Mr. *Bankes* denied that there was any necessity for those who voted for the former voting for the present Resolution. He heartily approved of the former vote, because it inflicted a censure on the board of Ordnance, which they appeared to him to have deserved. It was highly necessary to express the opinion of the House on this point for the sake of the public service and of justice. But he thought the present motion superfluous. The Resolution last passed was a censure on the board, and had been passed almost unanimously, at least without a division. He therefore was against this new and additional censure, which was only adding one opinion to another of the same sort. He was for the previous question on this ground, that a censure had already been passed by the House on the board.

Mr. *Tierney* was against the previous question, for the reasons given by his hon. friends (Messrs. Babington and Brougham). It was saying to the country, there have been abuses, therefore we won't reprobate them. There had been neglect, therefore we won't censure it. Nay, we have found by our vote, that the board is blameable, therefore we refuse to blame it. As for the censure already passed, the Chancellor of the Exchequer had denied that the board was to blame, and had thrown all on the secretary; and the censure said to have passed did not touch the secretary at all. Other members threw all on the board, and he, for one member, voted on this ground, and one on that, and the Chancellor of the Exchequer had his own view and his own vote. It was necessary to be more precise, and as all agreed (at least no one said the contrary, and the Chancellor of the Exchequer did not venture to divide) that the board was highly censurable, it was more manly and consistent to say so in plain terms. He therefore should support the motion of his hon. friend.

On the division which then took place, the numbers were,

For the additional Resolution of Censure	18
For the previous question	54
Majority for the previous question	36

HOUSE OF COMMONS.

Friday, April 13.

[Ordnance Department.] Mr. *Calcraft* observed, that in consequence of an accusation made in the progress of the last night's discussion by the hon. gent. opposite (Mr. A. Cooper) supported by the Chancellor of the Exchequer, against him, whilst he had the honour to hold the office of secretary to the board of Ordnance, he then felt it his duty to give notice, that on this night he would move for certain papers in his own vindication. The charge then advanced against him was, that he had not required from Mr. Ridge, who was appointed by the earl of Moira, agent to a part of the corps of royal artillery, such securities, as by virtue of his instructions he was bound to do. He had first to observe, that in the perusal which he had since given these instructions, he found in no part of them such a duty pointed out. He had not certainly read every line of them, and to meet that part of the question it was his intention to move, that an extract of the instructions applicable to the exercise of such a duty should be laid upon the table. He had then to ask the hon. gent. who made the charge, and the Chancellor of the Exchequer, by whom it was supported, whe- they yet persevered in their accusation? whether they still were ready to assert that Mr. Ridge, at the period referred to, had not entered into the necessary securities? If, as he believed, they found that the result of their further inquiry proved that such securities were given by Mr. Ridge, it would then be his duty to move for a return of their date. There was also another question which he was anxious to put to them. He wished to be informed whether, when lord Chatham succeeded lord Moira at the head of the Ordnance department, the securities given by Mr. Ridge were renewed? Because it was well understood that as they were given directly to the individual at the time at the head of the department, they were not binding on Mr. Ridge when a change of administration had placed another person at the head of that board. There were some other observations which he felt necessary to make, but which he by no means brought forward to screen himself in any part of his official conduct from the fullest responsibility. Although he must say, that, even if there had been culpability in the case of Mr. Ridge, he could only be exposed to a proportion of it, for at the same board there sat then two officers nearer to him, and who still continued in the same situations, and who, of course, must, if blame was deserved, take their share of the criminality. He had also to impress upon the House that there was a very great distinction between the case of Mr. Ridge, even if what was alleged against him (Mr. C.) was true in every particular, and the case of Mr. Hunt, upon the discussion of which it was introduced as parallel. It was this, that all agents appointed as paymasters to the corps of artillery, indeed to all regiments, were responsible to the commanding officer of such corps, and the commander of course, responsible to the country for the conduct of his agent. In the place of secretary of ordnance, the situation held by Mr. Hunt, there was no reciprocal responsibility, and the consequence was, that the country became the loser by his defalcation.

Mr. *A. Cooper* stated, that although there was no insertion in the instructions specifically injoining the duty of requiring securities, still it was the universal practice to demand security from all agents, through whose hands any portion of the public money went. Independent of all provision or enactment, the principle was itself conclusive. In answer to the questions of the hon. gent. he had to state, that the bond in the case of Mr. Ridge had been made out, but was not executed by that gentleman.

Mr. *Calcraft* asked across the table whether it was executed by his sureties?

Mr. *Cooper*. Yes; it was executed by his sureties. With respect to the other question, he must say, that he did not acquiesce in the conclusion, that securities were not available if not renewed in case of a change in the department. The security was given not to the person at the head of the board, but to the King. There was one other topic introduced by the hon. gent. to which he felt it incumbent upon him to advert. He had been charged with bringing forward against that gentleman, an accusation for his conduct in the case of Mr. Ridge. He had done no such thing, but when his own character was implicated by the hon. gent. in censure on account of Mr. Hunt's defalcation, surely it was natural for him to turn upon his accuser and say, even in your own administration, you yourself have been guilty of the very omission, for which you now so loudly proclaim that I am culpable. As a further proof of that omission in his administration he would beg to recal the attention of the hon. gent. to the case of Mr. Hopkinson, who also was an agent, and by whom no security whatever had been given, though his appointment took place during the administration of that honourable gentleman.

Mr. *Calcraft*. This is altogether a new charge, but I have no doubt it stands upon equally strong grounds as the case of Mr. Ridge, which the confession of the hon. gent. has confuted almost as quickly as he uttered it. Let those gentlemen be brought to the bar. Let the House be put in possession of the fullest evidence upon the subject, and I feel confident that such accusations must recoil upon those who have so indirectly advanced them. But allowing we were guilty, can that be an excuse for the offences of those who perpetuate the abuse, until the country is made to feel the actual loss and evil? Will the country think it receives a just performance of duty from those for whose services large salaries are paid to them, merely, because when charged with a dereliction of their trust, they think they have the power or the opportunity to recriminate. Recrimination is no defence. If their charges are well founded, let them bring them directly before the House in a parliamentary shape, and if we are guilty let us be subjected to that merited censure under which the present board so very justly suffers. It is quite ridiculous to make a parallel between the cases of Mr. Ridge and Mr. Hunt, even if the accusation against me in respect to the former was true; but, as it is most unfounded, as clearly appears even by the admission of him who has made it, I must say it is insulting the public, which has been robbed to a large amount, to distract the course of public justice by the introduction of irrelevant and unconnected subjects.

Mr. *Long* admitted, that recrimination was not a good set off, and constituted a miserable defence; but when the hon. gent. in the pomp of official superiority denounced his successors, it was natural for them to retort the charge if they could, and try him by his own acts. If omissions of a similar nature could be laid to his charge, it was impossible in the overbearing triumph that he was inflicting, that flesh and blood could rest silent, and with the knowledge they had of some of his own omissions, not illustrate them.

Sir *J. Newport* stated, as the characteristic distinction of the present ministers, particularly of the Chancellor of the Exchequer, that for every grievance complained of, for every act of misgovernment and mistake—for every measure of policy which had bequeathed calamity and ruin to the country, the only justification was the power and capacity to recriminate. What had the country to do with their bickerings and recriminations? If any charge or accusation could be brought against their opponents, why not bring them? To insinuate them, and not venture to arraign those whom the ministers were anxious to depreciate, was, in his opinion, instead of a defence for their own misdeeds, an aggravation of their offence, insomuch as they kept such charges secreted merely as an apology for their own derelictions.

The *Chancellor of the Exchequer* agreed with gentlemen opposite, that nothing could be less a justification of the conduct of ministers than finding fault with others. Nothing could be farther from his intentions than a wish to build his character, or the character of his friends, on the failings of others, and really he did not think the House, or the country, would think highly of him, or of his friends, because they stood a little higher than the hon. gentlemen opposite.—If the hon. gent. had the same ideas of the duties of the office he had held, while he filled that situation, as he appeared to entertain yesterday, from the view he had of his duty, he was in a greater degree culpable than had been supposed. Persons coming into office had a right, finding places of that description filled up, to suppose that the proper securities had been given. But it had been said that he, (the Chancellor of the Exchequer), in particular, was always finding out some subject of recrimination. If he did always recriminate when gentlemen came forward with their charges against government, did it not follow that he always had an opportunity of so doing? Thus it appeared that in thirteen months their administration had contrived to make up a little sample of all that had been complained of for the last twenty of thirty years. He could not but own, that they had been very adroit in such a short space of time to act so as to furnish out of their abundance a counterpart to every thing of which they complained. This was the consequence of that concentration of talent of which they had vaunted so much. The charges made against them had not been intended to reduce them below the ordinary standard of men in point of talent, but to bring them down from their vaunted elevation to the level of fallible beings. Yet to think that an hon. gent. should come there and plume himself so much on what he had done, when such an omission could be proved, was too much to be borne in silence. It really was but just to give him a hint on the subject. If the hon. gent. wished for information on the subject he had no objection to granting it; he would only state, that on the preceding day, when he entered that House, he had no more intention of speaking of the case of Mr. Ridge than he had of discussing the concerns of the emperor of Morocco. That case would not have been brought forward but for the exultation of the hon. gent.

Mr. *Ponsonby*. The right hon. gent. has assumed, that the merits of his administration are so transcendant as neither to require foil nor contrast. He has presumed that the results of his government and the interests of the country, every day give an additional value to his services, and a splendor to his ministry; that the higher he lifts himself in office, the more dignified he becomes in reputation, and that the country accords with the panegyric which he has so modestly pronounced upon himself. But it is not to his talents that his praises are restricted. No! his charity for the misdeeds of his opponents—his compassion for their defects form no inconsiderable share of his own eulogium. He, forsooth, will never build his reputation upon any recriminating attack upon his political opponents. Indeed, one is at a loss which to admire most, the modesty with which he speaks of his own exploits, or the compassion which he kindly extends to our demerits. Let him allow me to protest against his generous condescension. Let me hope to impress upon him, that we seek no such irresponsibility for our public conduct. If we have acted improperly—if the country has suffered in its interests by our offences—if we have afforded illustrations of dereliction of duty and breaches of trust, in God's name let the Chancellor of the Exchequer recollect the paramount duty he owes the country, and bring us to trial for our misdeeds. For such attacks we are prepared; and when unequivocally brought forward, we must be grateful. The acrimony, the violence, the political asperity of the right hon. gent. we are not inclined to fear, but I do beg leave to protest against, and deprecate as the most disheartening of all visitations, namely, their commendation and compassion.

Mr. *Calcraft* said, he held in his hand a copy of the sureties of Mr. Ridge. If there was only one name to the bond, the public would be secure; but he would be able to shew that the sureties were completed. The right hon. gent. had said that he had accused him of recrimination. It was not of recrimination he had accused him, but of attempting to recriminate when there were no grounds for it. He had also taken merit to himself for granting the papers necessary to a member's defence; he had talked as if he had the House of Commons in his pocket; but he (Mr. Calcraft) did not ask it from him as a favour, he asked it from the House of Commons as a right, and not from him, who seemed to carry the majority in his pocket.

Mr. *R. Ward* conceived that such language was disorderly and unconstitutional; no member had a right to say that any person carried a majority of that House in his pocket.

Mr. *Calcraft* said, that though, perhaps, the language was disorderly, it was not unconstitutional. The right hon. gent. did not carry a majority in his pocket, but, from the force of his eloquence, and the cogency of his argument, together with the independent circle by which he was surrounded—he did manage to quash such inquiries as were disagreeable to him.

The motion was then carried; after which Mr. A. Cooper moved for the papers relative to the case of Mr. Hopkinson, copies of his sureties, &c. which was also agreed to.

[THE PETITION OF THE EAST INDIA COMPANY FOR RELIEF.] A Petition of the United Company of Merchants of England trading to the East Indies was presented and read; setting forth; "That the Petitioners, in the month of April 1808, presented a Petition to the House, setting forth, amongst other things, that, upon a review of the state of their home finances from the 1st of March 1808 to the 1st of March 1809, the payments estimated to be made by the Petitioners would exceed the probable amount of their receipts by the sum of 2,433,185*l.*, and also the impossibility of the Petitioners being able to raise the whole of that sum from their own resources, therefore praying such relief as the House might in its wisdom deem their case to require; and that the causes which produced the embarrassments at that time experienced by the petitioners were amply detailed in their said petition, which petition being referred by the House to a Committee of its members then sitting upon East India affairs, the House, upon the recommendation of their said Committee, were pleased to vote to the petitioners the sum of 1,500,000*l.*, upon account of the claims of the Petitioners upon his Majesty's government, which sum, together with the aid derived from sales, more favourable than had been estimated, of the company's goods in the year 1808-9, enabled the petitioners to provide for the wants of that year without requiring further assistance; and, in the year 1809-10, their receipts were nearly equal to their payments; and that the causes which led to their financial embarrassments in the year 1808-9 have not yet totally ceased to operate, and they are subjected to new difficulties, arising chiefly from the following causes: 1st. From the excessive and unexampled drafts made in the two last years upon the Petitioners from India, amounting to 4,707,946*l.*, part of the Indian debt, incurred in the course of several wars and expeditions carried on there against Indian and European powers; and as the condition under which the greater part of that debt was contracted allowed an option to the subscribers to be repaid at any time by bills of exchange upon the court of directors in England, these drafts which have now come upon them could not have been prevented. 2d. By the unexpected calamities that have befallen the shipping of the petitioners in the two last years, whereby they have experienced a loss in the prime cost of merchandize, advances on account of freight and the value of a ship belonging to themselves, to the extent of 1,048,077*l.*, the causes of these losses shewing them to be not imputable to any want of care in the petitioners, are to be explained at length to the Committee of the House sitting upon Indian affairs.—And that, from a prospective estimate of the pecuniary transactions of the petitioners from the 1st of March 1810 to the 1st of March 1811, it appears that their unavoidable disbursements will exceed the probable amount of their receipts by the sum of 2,038,948*l.*, which sum it would be highly disadvantageous to the petitioners at the present period to raise by increasing their capital stock, as they are by law authorized to do; and that their commercial resources never could, in the most flourishing times, be commensurate to the discharge of large portions of the Indian debt contracted in the administration of the British empire in the east, and now amounting to thirty millions sterling; and that, in this time especially of restriction upon commerce, the commercial resources of the petitioners cannot but be incompetent to provide for such unexpected and excessive contingencies; and that the accounts made up by the petitioners to the 1st of March last shew that the property and effects of the petitioners in England, and afloat outward, then exceeded the amount of the debts of the petitioners in England, including the heavy and unusual drafts from India before mentioned, by the sum of 4,842,145*l.* which sum, the petitioners trust, will afford sufficient security for the repayment of any advance the House may think proper to vote for their relief; and that, owing to the multiplicity of accounts necessary to be made out before the petitioners could procure an estimate of their probable receipts and payments between the 1st of March 1810 and the 1st of March 1811, the petitioners were unable to be prepared with a petition submitting their case to the consideration of the House by the day limited for receiving petitions for private bills; and therefore praying, that they may be at liberty to present a petition to the House, praying that they will be pleased to take the matters aforesaid into their consideration, and to grant to the petitioners such relief in the premises as their case may require, and as to the House shall seem meet."

Ordered, "That the said Petition be referred to the Select Committee, appointed to enquire into the present state of the affairs of the East India Company; and that they do examine the matter thereof, and report the same as it shall appear to them, to the House."

[Sir Francis Burdett's Notice to the Speaker.] The Speaker acquainted the House, that he had received a paper signed "Francis Burdett," the contents of which related to his being apprehended and committed to the Tower of London;—and the said paper was thereupon, by direction of the House, read by Mr. Speaker, and is as followeth:

‘ To the right honourable Charles Abbot,
‘ Speaker of the House of Commons.

‘ Sir; You having, on or about the 9th
‘ day of April instant, as Speaker of the
‘ House of Commons, forcibly broke and
‘ entered the dwelling house of me, the
‘ undersigned sir Francis Burdett, situate
‘ in Piccadilly, in the parish of Saint
‘ James, Westminster, in the County of
‘ Middlesex, and having also, on the said
‘ 9th day of April, caused me to be apprehended
‘ and unlawfully committed to a
‘ certain prison called his Majesty's Tower
‘ of London, and to be there imprisoned
‘ and as yet kept and detained in prison
‘ there, without any reasonable or probable
‘ cause whatsoever; I do therefore,
‘ according to the form of the statute
‘ in such case made and provided, hereby
‘ give you notice that I shall, at or soon
‘ after the expiration of one calender
‘ month from the time of your being
‘ served with this notice, cause a bill to be
‘ filed against you in his Majesty's Court
‘ of King's Bench at Westminster, and a
‘ writ of summons to be thereupon sued
‘ out of his Majesty's said Court of King's
‘ Bench at Westminster, against you, at
‘ my suit, for the said trespass and false
‘ imprisonment, and shall proceed against
‘ you thereupon according to law. Dated
‘ this 12th day of April 1810; Yours, &c.
‘ Francis Burdett.’

(Endorsed) ‘ John Ellis, of Gray's Inn
‘ Square, in the County of Middlesex,
‘ attorney for the within named sir Francis
‘ Burdett.’

The *Speaker* said it was at the option of the House whether the Letter should be entered on the Journals.

Mr. *Ponsonby* thought that the Letter ought to be upon the Journals.

Mr. *Whitbread* was of the same opinion. The Letter contained nothing that could make it unfit to be received; and it might be the ground of great questions hereafter to be tried.

The Letter was then ordered to be inserted on the Journals.

[SECURITIES BILL.] Mr. *A. Cooper* moved for leave to bring in a bill to regulate the taking of securities in all offices, where securities ought to be taken, and to avoid the grant of offices, if the securities were not given within a certain time. He supposed the House would have no objection to the bringing in of the bill.

Mr. *Horner* said, that it was not enough to say that he supposed the House would have no objection to the measure. Something more was required to shew the necessity for a new law. Such laws for the most part were nugatory. To avoid the grant of an office, when the same persons who granted had the power of reappointment, would amount to nothing. The man would be told, that it was very foolish in him to have neglected to give his securities, and after this slight reprimand he would be again appointed. The public might lose considerably in the meantime. This was nothing more than abrogating the power of the Commons to punish delinquents of this sort, with the additional evil of accumulating useless statutes.

The *Chancellor of the Exchequer* replied, that with all the ingenuity of the hon. gent.—and few men could possess more—he could not prove that this bill would be nugatory. It appeared that persons in office had continued a long time without entering into securities. This bill would at least save the greater part of the time. As to avoiding the office, it was true the person neglecting to enter into the securities might be reappointed; but by the avoidance of the previous grant, he would be obliged to refund all the salary he had received. If the bill should have no operation but this, he thought it would be a very effectual one.

Mr. *Parnell* observed that such bills would not prevent delinquencies. The only effectual way to that would be by address to the House, praying for the removal of those who had failed in their duty. If no one else should do it, he would himself propose an address to that effect.

Sir *J. Newport,* as an instance how nugatory such regulations were, adverted to the case of Mr. Villiers, who had been reappointed in 1803, two offices being then consolidated into one, with a special provision that he should enter into a bond of security, which he never did. In the very office now to be regulated, Mr. Hunt had broke through a statute. So nugatory was it to legislate in many of these matters. The true way to prevent such evils in future, was to punish defaulters for the past. These delinquencies would perpetually take place until the House compelled the ministers to punish public defaulters, and to be answerable for losses incurred through their negligence. Acts were of no use when those who were the law makers were the law breakers, and he should have a pretty strong case of that kind to state on Monday.

Leave was then given to bring in the bill.

[TYTHES IN IRELAND.] Mr. *Parnell* desired that the Petitions presented to the House in 1808 might be entered by the clerk as read, and spoke nearly as follows:

Sir; In rising to make a motion which has for its object the improvement of the condition of the people of Ireland, and to conciliate their affections to the connexion subsisting between these countries, I feel that I have a strong claim upon the attention of the House. But when I reflect upon the new obstacle that has arisen in the way of carrying the great question of emancipation, I feel that this claim is peculiarly strong, because it has become the duty of this House to take every practicable method of counteracting the effects of the disappointment and despair which this obstacle has occasioned. The House could do nothing that would so much contribute to an end so desirable, as by acceding to the motion I shall conclude with, and shewing the people of Ireland that the subject of Tythes will be fully investigated; for though this may be a subject greatly inferior in importance to the emancipation of the Catholic body, still the people would receive any amendment in the present system with the greatest gratitude, and be encouraged to hope that, sooner or later, all their grievances and complaints would be duly attended to.

I beg leave, before I explain the nature of my motion, to call to the recollection of the House the proceedings that have already taken place on this subject. In 1807, several Irish counties held meetings, and, by their unanimous resolutions declared the expediency and necessity of a commutation of tythes. In the next year Mr. Perceval informed the House, that the subject was under the consideration of his Majesty's ministers, and that he intended to propose a specific measure in the subsequent session. When that arrived, the right hon. gent. discovered that it was impracticable to arrange any plan of amendment; I therefore proposed to the House that plan which he had had originally in contemplation, but my motion was negatived. Feeling that the grievance complained of, still exists, and it being admitted by every one that there exists also a necessity of doing something, and believing that there is no such difficulty belonging to the subject as that which the right hon. gent. conceives, I have thought it my duty again to call the attention of the House to the question; and, in order to ascertain whether or not any thing be practicable, and if any thing be practicable, what plan is the best to be adopted, to propose to the House to appoint a select Committee.

The manner in which I shall endeavour to prove to the House how great a grievance the tythe system of Ireland is, will be to shew, in what manner it is different from the tythe system of England. In the first place, the religion of the people of Ireland renders the provision of the clergy of the established church by tythes, necessarily unjust and odious. Of the whole body, by far the greatest part do not profess the established religion, and consequently have to pay, not only the established clergy, but those who discharge the religious services belonging to their own persuasion. According to the best authorities on this subject, if the whole population of Ireland is taken at five millions, four millions are Catholics; of the other million, one-half are dissenters and quakers; the whole, therefore, of the tythes of Ireland, go to provide the maintenance of the clergy belonging to only one-tenth of the population.*

That this is not an exaggerated statement, will appear by the following returns of the relative proportion of Catholics to Protestants, which are to be found in works of established authority. In the province of Ulster, where the Protestants are more numerous than in any other part of Ireland, the Catholics are more numerous than the Protestants, and of the Protestants there are two dissenters to one of the established church. In the provinces of Munster and Connaught, the Catholics are to the Protestants as 15 to 1: in the province of Leinster, as 5 to 2. This statement of the general average of the four provinces, is fully borne out by the actual enumerations which have been made in smaller districts. In the diocese of Tuam, the Catholics are to the Protestants as 60 to 1; in the parish of Tullow, which is the most Protestant parish in the diocese of Leighlin and Ferns, as 6 to 1; in the parish of St. Mullins in the same diocese, as 4,000 to 1; in the parish of Allen, and many other parishes, there are no Protestants; in the county of Kilkenny, the proportion is as 17 to 1, and in the county of Clare, as 15 to 1; from which it is to be inferred, that stating the Protestants of the established church as forming one-tenth part of the population of Ireland, is by no means an exaggerated statement.*

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* "In Ireland, the Protestants are not one fourth of the people; the numbers of the establishment, little more than an eighth." State of Church of Ireland, by Richard bishop of Cloyne, 7th Edit. p. 81, 1787.

"There are probably in this kingdom five papists at least to one protestant." Primate Boulter's Letters, Vol. 1. p. 169.

* The following statement of the population of but a very limited portion of Ireland, will shew the magnitude of the Catholic population:

	Number of Protestants.	Number of Catholics.
Diocese of Ross	2,292	72,265
Town of Clonmell ...	3,000	9,000
Parishes	Protestant Houses.	Catholic Houses.
Abbeyfeal	none	550
Killummin	none	1,100
Allen	none	no return.
Kilbegnet	none	
Tarmanbory	none	
Kilnamanagh	none	
Union of Newport ...	none	
Rathbegan	none	
Bantry	112	1,407
Cahiragh	6	650
Bandon	511	2,308
Oven	15	656
Ballymartle	12	500
Templemartin	68	758
Kilmichael	12	703

Now, Sir, when I make this statement, I beg to be distinctly understood as having no sort of intention to propose that those who do not profess the established religion should be relieved from supporting the Protestant clergy. I know that such a remedy cannot be adopted. But even if it could, it would not be necessary for me to propose it, because those who may have reason to complain, do not desire it. The Catholics by no means refuse to contribute to the support of the Protestant establishment; all they seek, is to be relieved from a mode of paying them, which is on all sides acknowledged to be most oppressive, and to be permitted to yield their contributions in a manner less vexatious. But when I thus mention the Catholics as being desirous of a change, I beg the House will understand, that not only the Catholics, but the Protestants, with the Quakers and the Presbyterians of Ireland most anxiously desire a change. The Protestants feel Tythes as a great grievance, though not in the same degree; and it is to them, if to any more than to others, that the demand now made upon the legislature for redress, is correctly to be attributed; they having been the most forward in promoting applications to parliament in the several counties which have declared opinions in favour of a change. I will also add, that the Protestant clergy of Ireland are anxious for an alteration. I stated this to be the fact two years ago; and as I have never been told by a single clergyman that what I then stated was incorrect, and as I have seen no publication coming from that body to resist the change that has now been so long in contemplation, I feel that I have good authority to consider them as contributing their opinion to render the opinion of all Ireland universally unanimous on the subject.

But there is another circumstance by which the tythe system in Ireland is materially affected, and is made very different in its operation from the tythe system in England.

In Ireland it is necessary that every individual who has a family, should be a sort of a landholder. In England, indeed, the demand for labour is so great and so constant, that the labouring class can depend upon their day's wages for the means of subsistence; and they accordingly purchase what they want in the markets. But in Ireland, the want of such a demand renders it absolutely necessary that each person should have a piece of land on which to raise his food, or otherwise he must starve; the consequence is, that every one has land, and, however poor, is therefore liable to pay, and made to pay, tythe. Even those who are exempt by law, on account of their extreme and lamentable poverty, from paying the king's taxes, are obliged to pay the clergy of two religions. So great, in fact, is the poverty of many hundred thousand people who pay tythe, that I have no hesitation in saying, that if they existed in this country under similar circumstances of indigence, they would be considered as entitled to parish assistance. The necessary effect of such a state of things, is the impossibility of tythes being collected by the clergy themselves. They are obliged to employ proctors, or to let their tythes to tythe farmers, in order to relieve themselves from the labour, and to avoid the odium of seeking their income from multitudes of paupers. That under such circumstances as I have described, there should be a constant resistance made to the demands of the clergy can be matter of no surprize.—That in many instances the proctors and tythe farmers oppress the people, and that the people in return revenge themselves on their oppressors, are the necessary consequences of the system, and not crimes natural to those, who engage in the outrages that follow *. I will not take up the time of the House in enumerating instances that have occurred of great cruelty and oppression; it is no-

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Ringrove	14	......	1,100
Ardagh	4	......	280
Killarney	45	......	1,600
Blarney	27	......	532
Cove	51	......	1,015
Eleven parishes in Diocese of Tuam ..	85	......	4,408
Graignamana	4	......	400
	Protestant Families.		*Catholic Families.*
Arles	18	......	1,800
Tullow	154	......	1,855
Castle Blakeney	3	......	300
Killyglass	4	......	no return
Union of Shankill	3	......	do.
Lusk	4	......	do.
Moyglue	15	......	do.

Newenham's View of Ireland, App. 26, 38.

* "The usual way of proceeding in collecting tythes is this: the proctor, with an assistant, views the crops in July, and

torious to every one that there are such instances. But I beg to be understood, in speaking of the cruelty of some of the Irish clergy, I by no means bring a charge of that nature against the whole body—on the contrary, my opinion is that they do not deserve any such censure, but as a body are conspicuous for their liberality towards the people, and for a faithful discharge of their duties. If however, the system is such as to give to one clergyman the power to oppress a whole parish, this is enough to condemn it, and to shew the necessity of getting rid of it; for during a long incumbency what must the amount of misery be, under such a system, and what must be the necessary result of the active, avaricious, and relentless oppression even of a single individual?

A third distinction between the system of tythes in the two countries, is to be found in the laws for collecting them. In proportion as the power of the clergy was resisted in Ireland, it was the practice to resort to the Irish legislature for fresh powers to compel obedience—and thus, though tythes originally in Ireland were payable under statutes exactly similar to those under which tythes are collected in England, the law of Ireland is now altogether different from the law of England.* In England, if the clergyman exacts more than his right, he may be compelled to draw his tythes. But in Ireland it is enacted, that if above a certain number of parishioners call upon the clergyman to draw his tythes, such a proceeding shall be considered a conspiracy, and the parties be liable to heavy penalties; in Ireland, therefore, situated as that country is, the landholder is far from having the means of righting himself, which he is allowed to have in England.

In England the tythe on flax is limited by law to 5*s.* per acre. No such regulation exists in Ireland. In the north, indeed, of Ireland, it is limited by a modus to 6*d.* per acre; but in other parts of the country it is made subject to a very heavy tythe. Why should not a similar limitation be extended to the rest of Ireland? The extent of its linen trade in the north shews how beneficial any measure would be, that went to take off a restriction from the growth of the material of it in other parts. It might greatly contribute to the extension of that trade through the south and west of Ireland, and thus afford a new source of improvement to Ireland, and of wealth and strength to the British empire.

If, therefore, the labours of such a committee as I propose to have appointed, were even to terminate in a measure for assimilating the laws, I should feel that a considerable advantage was gained; a heavy restraint upon the staple manufacture of Ireland would be, in a great measure, done away, and, instead of a code, the principle of which is to give uncontrouled power to the clergy, there would arise a system founded more on the true principle of legislation, that of affording redress against the encroachments and abuse of power.

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again before or after they are cut. He notes the crop and value in his field-book. He generally estimates by the acre, but sometimes by the barrel; he usually at the second view makes a bargain for the tythe with the occupier on the spot; reducing the charge to a certain degree, and the farmer passes his note for it. If no bargain be made, the proctor makes a return to the clergyman agreeable to his field-book. The payments are generally tardy; the tythe frequently is not paid for near a year and a half. Debtors for 40*s.* are summoned before two magistrates, who hear the proctors proofs, and give a decree accordingly. Debtors above that sum, and under 10*l.* are proceeded against at the quarter sessions. For sums above 10*l.* citations are served to appear at the bishop's court. If the proctor chooses to oppress a poor man, he may cite him for a few shillings. There are few acts of the proctor deemed illegal in the ecclesiastical courts. He is the favoured person, who replenishes their coffers. The only remedy which landholders have against any new and extraordinary demand is faction, intimidation, or flight. The proctors and tythe farmers always have it in their power to ruin a poor man, first by giving him long credit, and then by suing him for principal, interest, and costs, in the bishop's court. The consequence is, that the proctor, and the proctor's family and friends, rule with despotic sway in the parish." Speech of Mr. Parnell, May 19, 1809, See vol. 14 of this Work, 631.

* The English statutes are 32 H. 8, c. 27. 2 and 3 Ed. 6, c. 16. 7 and 8 Wm. 3, c. 6. 3 Anne, c. 18.—The Irish statutes which correspond with these are, 33 H. 8, c. 12. 3 G. 3, c. 25. 11 and 12 G. 3, c. 19. 1 G. 2, c. 12.—The 29 G. 2, c. 12. 1 G. 3, c. 17, and 27 G. 3, c. 15, are statutes peculiar to Ireland.

I will not, Sir, take up the time of the House, by entering upon an inquiry into the objections that can be brought against tythes, as a mode of collecting money from the people: it is enough to say, that it is condemned by all writers on taxation, as inconsistent with every principle connected with that subject. As to agriculture, it is sufficient to say, that Dr. Paley condemns them as a most mischievous restriction. But as to the agriculture of Ireland, they form an obstruction which it is the interest of the people of this country instantly to remove. It is now fully proved that this country cannot possibly provide grain enough for its own consumption. I wish then to know where a supply is to be had, so long as the Baltic is shut by the decrees of Buonaparté, and the trade with America put a stop to by the embargo, where, except in Ireland? What would have been the distress of this country during the last two years, had it not been for the importation of grain from thence, will appear by examining the quantity imported; in the last year it was no less than 800,000 quarters. Is it not then an object of British interest, to remove from the agriculture of Ireland this great obstruction to its extension and improvement?

I have now only to call the attention of the House to one more topic, to illustrate the necessity of a change of the present tythe system. What effect has it had upon the tranquillity of Ireland? The insurrection of the White Boys was of 30 years continuance. This was succeeded by the United Irishmen, who were principally induced to embark in the conspiracy against the government by arguments founded on the grievances of tythes.* To them succeeded the insurrection of the Threshers.† So that for a space of 50 years, a continued system of active and open resistance and insurrection has disturbed the tranquillity of Ireland, arising from this mode of paying the clergy. Surely this circumstance alone, if no other existed, to prove the absolute policy of an alteration of system, is quite sufficient, and ought to induce the House to assent to my motion.

I have now, Sir, explained to the House such reasons as occur to me, to shew that the peculiar circumstances of Ireland require a new manner of providing for the established clergy, independent of the general objection which may prevail in this country against the tythe system. I have shewn, that the religion and poverty of the people, the injustice of the laws, and the long continuance of insurrections, give to the question a character quite distinct from that which belongs to it in England; and therefore that a reform may be effected without prejudice to the interests of those who are concerned with tythes in this country.

In regard to the plan by which a remedy may be provided, I have no objection to state the opinion I have formed respecting it. I am aware, that it would be properly considered as temerity in me to pledge myself to any specific plan, or to call upon the House to adopt any plan on my recommendation: this I do not mean to propose; all I desire is, that the House will pledge itself to inquiry, and, according to the result of its investigation, adopt that plan which shall seem most expedient. That it is impracticable for the wisdom of the whole House to discover any plan, is a supposition which I cannot entertain, nor shall I ever believe it to be true, till proper attempts have been made, and the inefficiency of their labours been fairly shewn.

In the view that I have taken of the subject, my great objects have been; first, to exonerate the peasantry; secondly, to get rid of the direct payment by the Catholic, Presbyterian, or Quaker, to the Protestant clergyman; and lastly, to give the clergy a just and fair equivalent. To the several plans that have been proposed of giving land, or corn rents, or of selling the tythes, though very fit for a country like this, abounding in capital, and accustomed to the execution of measures of great labour and detail; as applicable to Ireland, there appear to me to be great objections. The proprietors of estates in Ireland have had an opportunity of purchasing on very easy terms from the crown, the quit-rents chargeable upon them; and yet few purchases have been made, though the quit-rents are of small annual amount; a circumstance which shews there is no probability, that, if the tythes were to be sold, purchasers would be found. If land were to be given in lieu of tythes it would be found extremely difficult to get it, without paying for it most extravagant prices. And as to the plan of corn rents, this objection exists to it, that those who do not profess the established religion would continue to pay directly to the established clergy.

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* "If tythes had been commuted according to Mr. Grattan's plan, a very powerful engine would have been taken out of our hands." — Evidence of Dr. M'Nevin, 1798.

† An insurrection that was against the mode in which tythes were collected, and not against tythes as a provision for the Protestant clergy; the oath of the association requiring that tythes should be paid to the clergy and not to proctors.

I do not, however, mean at this time to say, that I have formed a decided opinion upon these several plans; and I wish to be understood in what I say respecting any plan, as reserving to myself a right to take advantage of the investigation of the proposed Committee, and to alter my opinion, if I shall think proper so to do. Under this qualification, I submit to the House the following as an outline of such a plan, as I conceive would give an effectual and a fair remedy for all that is complained of. 1st. The value of each benefice should be ascertained; 2d. the net income of it paid by the Treasury; and, 3d. the improved value of it secured to the incumbent, by a regulation to provide against the effects of a depreciation of money. In respect to the valuation, there is an act of the Irish Parliament, which would be a good precedent to govern the proceedings. It was passed in 1787, to give the means of compensating several of the clergy of the south of Ireland, who had lost their tythes by the insurrection of the White Boys. This act enabled the chancellor to appoint commissioners with full power to enquire into the value of the livings of those clergy to whom tythes were not paid. The value of them was ascertained, and compensation thus given to the suffering clergy. By following the same course, the value of each benefice might be easily and satisfactorily attained. As to the amount of the fund which it would be necessary to provide for the payment of the clergy, it is not easy exactly to ascertain it. In a publication of a right hon. and learned Doctor (Duigenan), it is stated that the number of the clergy is 1,300, that their whole revenues divided among them would not produce 150*l.* per annum to each of them, thus making them amount to 195,000*l.* per annum; but from this is to be deducted the annual value of 20,000 acres of glebe to obtain the annual amount of tythes. In a speech of the same learned gent. printed in 1791, he says, the parochial clergy are 800 in number; 100 of them have incomes above 300*l.* per annum, the rest have incomes below 200*l.* But I believe I am correct when I say, that no great dependence ought to be placed on these statements, it having been the object of the learned Doctor when he made them, to prove the great poverty and distress of the clergy. The more accurate way of taking the value of the income derived from tythes, is to adopt the prevailing opinion that they cannot be less than 500,000*l.* per annum, of which one-third belongs to lay impropriators. It is better and more candid to calculate on a sum somewhat large, than to lead the public to adopt a great measure on false data, and thus to produce disappointment. In respect to the means by which the Treasury shall be provided with this annual sum, it is not necessary for me now to point them out; this would be a fitter subject of consideration for the committee; but this is quite plain to be seen, that if the public purse is relieved from paying tythes, as they are now paid, it will be available to give the same amount in some other more convenient channel. In regard to securing the incomes of the clergy from the effects of the depreciation of money, I should propose that they should be regulated periodically by the prices of grain; if they had been so fixed in the year 1799, the average price of wheat then being for the last 29 years, 49*s.* 4*d.* per quarter: and of the last 10 years, to 1810, 83*s.*, each clergyman in 1799 entitled to 100*l.* per annum, would now be entitled to 170*l.* and surely an arrangement that would give so large an advance, would have been one favourable to the clergy. But when I say that the incomes of the clergy ought to be increased as the prices of grain advance, I must also add that they should be diminished as they fall; because I consider the present high prices of grain not to be real prices, but to be the result of a depreciation of bank paper, of not less than 20 per cent. an evil that I trust will be remedied, by adopting the measures that will be recommended by the committee now sitting on that subject.

In proposing, Sir, this extensive alteration, I am fully aware that I am making myself liable to a charge of invading the rights of the clergy;—but I feel that I can defend myself from such an accusation if it shall be made, in the first place, by saying that I am discharging a duty my constituents have imposed upon me; and secondly, by a reference to the nature and legal import of those rights. I have not embarked in this undertaking of attempting to induce the House, to adopt the measure of a commutation of tythes without examining the grounds on which those rights are founded. I find it is laid down by Mr. Justice Blackstone, "that tythes are due of common right to the parson of the parish, unless there be a special exemption"—and in explaining what the meaning of an exemption is, he says, "lands may be exempted by prescription or by a real composition.—A real composition is where an agreement is made between the owner of the lands and the parson or vicar, with the consent of the ordinary and the parson, that such lands shall for the future be discharged from the payment of tythes, by reason of some land or other real recompence given to the parson in lieu and satisfaction thereof. This was permitted by law, because it was supposed that the clergy would be no losers by such a composition. But experience shewing, that even this caution was ineffectual, the disabling statute of 13 Eliz. was made."* The inference to be drawn from this statement is, that the common law recognizes the principle of composition or commutation. That if I proposed to give land in the lieu of tythes, I should propose to do that which was strictly conformable to the common law. That when I propose to give money, though I do not propose a real composition, I propose what is consistent with the principle of one, because I take care that the clergy shall not be losers by the composition. I am aware this objection may be made, that in proposing to pay the clergy out of the treasury, they will lose the solid security of land. But to this I can answer, that tythes in Ireland are held by such a tenure, that if the treasury went, they must go also; for the system of government which preserves the one, must continue in order to secure the other.—Not so in England. The treasury might fail here, and at the same time no attempt be made to deprive the clergy of their unquestionable claim to their property in tythes. On the whole, therefore, I feel entitled to say, that in the outline of the plan which I have stated to the House, I have in no degree asked the House to invade the just and legal rights of the clergy of Ireland. I have not, I am aware, proposed to do all that some hon. gentlemen may be ready to say, ought to be done, because I have only proposed to give an equivalent for the net income of the clergy, and not an equivalent for the real value of the full tenth of the produce. But, Sir, if such a demand is made on behalf of the clergy, then I must make a claim upon the clergy for a distribution of the tythes, according to the original principles on which tythes were given them; I must claim one-fourth for the bishop, one-fourth for the poor, and one-fourth for repairing the church. It will be therefore more for the interest of the clergy not to raise any such demand; and I feel sure that no one, who is a true friend to the Irish clergy, will make it.

I have now stated to the House an arrangement, which in my opinion, would operate as a sufficient remedy for the evil complained of. The plan is strictly consistent with the legal rights of the clergy; the valuation of benefices may be made on tried and established precedents; the value of the incomes of the clergy may be protected against the depreciation of money; the indigent poor may be exonerated by it from the payment of tythes; and the clergy themselves relieved from great vexation and great loss, by this mode of attaining their provision *. It is, in truth, a plan nearly similar in every respect to one proposed to the Irish House of Commons, by a right hon. gent., the member for Dublin, in 1786. It differs only in this respect, that he proposed to raise the fund for paying the clergy by a baronial tax, and that I propose to raise it by a tax of a general nature, so that the Catholic, the Quaker, and the Presbyterian, shall no longer actually or directly make any payment under the name of a tythe tax to the Protestant clergy.

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* 2 Blackstone's Comm. 28.

* "Whenever a better plan shall be suggested for the payment of the clergy, that is one equal in value to them in succession, and more convenient to the laity, they will thank the statesman, who shall disencumber them of the constant trouble and the occasional ill-will arising from tythes." State of Church of Ireland, by Richard Bishop of Cloyne, p. 52.

"In 1807, 141 actions respecting tythes were tried in the Queen's county, at the quarter sessions; 146 in the county of Sligo; 198 in the county of Kerry; 283 in the county of Limerick; and 653 in the county of Tipperary."—From papers laid before parliament.

It only remains for me to call the attention of the House to a point, which I must always allude to whenever this question comes before it: I mean the fact, that the people of Ireland believe that relief from tythes was promised to them as a condition of the measure of Union. I know no article visibly and expressly exists to bind this country: but I know Mr. Pitt held out this relief as an inducement to the people to admit the measure. I know that the speech in which he called the system of tythes a great practical evil, and promised redress, was circulated through Ireland at the expence of government; that it was distributed gratis in every village of the kingdom; that the agents of government were instructed to tell the people that redress would be the result of the Union; and I know the universal opinion of the people of Ireland now is, that the faith of this country is pledged to grant that redress. What sort of policy then will it be for the minister of this country, at this period of time, to attempt to prove to the people of Ireland that they have formed an erroneous expectation—would it not be better, under all the circumstances of the case, the admitted necessity of a change, and this confirmed expectation, to meet the feelings and the injuries of the country, and to grant the redress that is desired? As to the motion which I am about to make, I beg the House to understand its true purport; it is one calling on them, to do what?—only to enquire into the complaints of the people of Ireland, laid before them by petitions, in a respectful and constitutional manner. This is all that is now asked; and will the right hon. gent., the prime minister of this country, at a time when the mass of the population of Ireland have been placed in a state of despair, in consequence of the unexpected obstacles which have arisen in the way of the great measure of emancipation; when the most powerful, the most enterprising, and the most successful enemy that this country has ever had to contend with, is on the eve of becoming master of the peninsula of Spain, and ready to take advantage of our divisions, and to carry into effect his long intended and favourite project of invading Ireland, that vulnerable part of the British empire; will, I say, the prime minister of this country refuse to inquire into the just and well-founded complaints of Ireland? I advise him, and I advise the House, to take care how they come to a decision so repugnant with every principle of the constitution, and at this time so inconsistent with every principle of sound policy. Rather let them do that which it is obvious they ought to do. Shew the people of Ireland that at length the time is come when this country is ready to fulfil the engagements on which the measure of Union was carried, and that it is sincere in a determination to do justice, and to afford redress to the long neglected and oppressed people of Ireland.

I beg leave to move, "That a select Committee be appointed to inquire into the manner in which tythes are collected in Ireland, and such other matters relating to the levying and collecting of tythes in that country, as they shall judge it proper to direct their attention to."

Mr. *Wellesley Pole* requested the indulgence of the House for a few minutes, while he stated his sentiments upon the subject which the hon. gent. had brought forward. It was one which had long engaged his attention, and had been the object of his most anxious solicitude; it was one to which his Majesty's ministers had most seriously devoted their thoughts. In many of the points which had been stated by the hon. gent. who had just sat down, he perfectly concurred. He admitted that it was a subject of the greatest importance, and that it was the duty of government to apply a remedy to the evils complained of, provided it could be done consistent with justice; but he did not agree with the hon. gent. with regard to the remedy which he had suggested, nor could he give his assent to the motion with which the hon. gent. had concluded. He could not give his assent to a motion for the House now to appoint a Committee to inquire into this subject, because he thought it would be most injurious to the cause which all parties had in view, and most unjust to the parties concerned, for the House to appoint a Committee to inquire into this subject, without seeing their way much more clearly than they did at present, and without having some rational prospect that that inquiry would be attended with success. If the hon. gent. had moved for leave to bring in a bill, and had stated the provisions which he meant to introduce into it, if he had proposed any specific plan, he would have been ready to discuss that plan; but the hon. gent. had pursued a different course; he had proposed to refer all the petitions, which had been presented to the House, to a Committee, and to desire it to consider the whole subject, and to devise some remedy, although the hon. gent. himself had not, with all the information that he had obtained, and with all the diligence which he had employed, been able to propose any plan to the House himself. The hon. gent. had stated, that the great evil respecting tythes, arose from the mode of collecting them.—That he did not accuse the body of the clergy, but the greater part of the oppressions were practised by the proctors, whom the clergy were obliged to employ. It appeared to him that the hon. gent. was mistaken with respect to the source of the grievances, which were complained of. The grievances, in his opinion, arose from a cause not perhaps generally known to the members of that House, but it was proper that it should be fairly stated to them. A practice had prevailed generally throughout Ireland for a great many years, of letting their lands by public cant, that is, of letting them to the highest bidder, without any consideration of the incumbrances to which the land was liable. The consequence was, that ignorant persons bid for the land, and gave the full value for it, without at all considering that in addition to the very high price that they paid, that they had also to pay tythes. It appeared to him that the tythes ought to be considered as the first rent to which the land was subject; but ignorant persons, as he had before stated, in their eagerness to get the land, agreed to pay the full extent of its value, without reflecting that besides that rent they had to pay the tythes. The landlord forced the tenant to pay the rent, and when they were unable to pay the tythes, supported them against the clergy and the proctor, so that in fact the landlord was the oppressor, and not the clergyman, the lay impropriator, or the proctor. He could assure the House, that this subject had been for a long time under the consideration of ministers, that several bills had actually been prepared for the purpose of applying some remedy, but upon mature examination, it was found they could not be carried into effect with justice to the parties interested. The hon. gent. had declared it to be his opinion, that none of the plans which had hitherto been suggested by those who had devoted their attention to this subject, viz. those of corn rents, of selling or of leasing the tythes, would produce the desired effect, and yet each of these plans had been strongly recommended by persons who had devoted their time to the consideration of this subject. In one part of his speech the hon. gent. seemed to think that the clergy had an undoubted right to the whole of the tythes, and yet when he came to suggest his own plan, he had stated, that in making the clergy a compensation, it should be for the tythes as they were first established, and not for the tythes as they were now. He really had never heard such an idea broached before; in all the plans which he had ever heard suggested, it had never once been proposed that the clergy should not have their rights fully secured. In his view of the subject that object ought always to be carefully attended to; (sir J. Newport nodded assent)—he was happy to find that upon that point he had the concurrence of the hon. baronet, who had turned his attention so much to the question of tythes. He had himself often and anxiously looked to this subject, and from all the reports which he had seen respecting it, it appeared to him that the lay impropriators received about one third of the tythes and the clergy the other two thirds; but instead of receiving one-tenth, they did not receive, in some cases above one twentieth, and in others above one thirtieth. But in any plan proposed for the relief of the Clergy, the plan must be founded upon the principle of their being intitled to one tenth. Here then was one great difficulty; he did not mean to say that the difficulty was insuperable, but it must be obvious to every gentleman that it was an obstacle which it would not be very easy to get over. It undoubtedly was the duty, and it certainly was the sincere wish of his Majesty's ministers, to endeavour to get over these difficulties, and to adopt if they could, a plan which would do justice to all parties, and give general satisfaction; but he was sure that the House would agree with him, that it would be highly improper to give hopes and to raise expectations, when there was not a fair and rational chance of accomplishing the object in view. Another difficulty, and a serious one too, was, that in different parts of Ireland tythes were paid in different ways. In some places tythes were paid upon potatoes, in others they were not. In short, there were so many diversities that it would be most difficult to frame any general system that would embrace them all. No man, he was sure, could suppose that government were not disposed to alleviate the sufferings of the people, if they did suffer; but it would be unfair not to take into consideration all the difficulties that presented themselves. The great difficulty was, that the landlords got more for their lands than they ought to get, and, in his conscience he believed that that was the chief cause of the dissatisfaction that subsisted. One of the plans which had been most strongly recommended in order to remove the complaints respecting tythes was, that of leasing them; but he was convinced, that when gentlemen looked at the state of Ireland, they would agree with him in thinking, that to give power to the incumbent to lease the tythes for a certain number of years, would not afford any adequate relief. In considering this subject, he had of course endeavoured to obtain information from every quarter, and among others, he had applied to the clergyman of the parish in which his house stood, and asked him the number of persons from whom he received tythes. The answer he received was, that the number who paid tythes last year was 1937. This seemed to be a great number; but the clergyman added in his letter, that the tythes of a very great proportion of these persons did not exceed from 1 to 10 shillings. From this statement, the House would at once see the difficulty of granting leases of tythes. The clergymen would let them to what is called in Ireland a middle man, that person would let them to another, and so on, until the person who was to pay the tythe, instead of one shilling, would have to pay five or six. The hon. gent. in his plan for abolishing tythes, seemed to think it necessary to ascertain not what the whole value of the tythes in each parish was, but what was the net value of the living, and then to lay a tax upon the people to pay the clergymen the value of this net receipt, now from this net receipt the hon. gent. would in the first instance, according to his own principle, have to deduct tythes paid by all extremely poor persons, whom he meant to exonerate from this burthen.—And this tax was to be laid in such a way, acording to the hon. gent.'s plan, that the Catholics were to pay it without actually knowing that they paid tythes. The hon. gent. had himself admitted that the Catholics were convinced of the justice of paying tythes, and certainly there were no people in Ireland who paid their tythes more cheerfully than the Catholics did. But he begged the House to consider the justice of this plan as it respected the clergyman. The hon. gent. would first pay him, not according to the full amount of the tythes, but according to the net value of the living. Now he begged the hon. gent. to apply that principle to the parish which he had before mentioned. In that parish the incumbent let the tythes to the curate, and of course the hon. gent. would only allow for the net sum received by the incumbent, leaving out of the question all that was received by the curate, which certainly upon every principle of justice, ought to be taken into the calculation. It would have been as well perhaps if the hon. gent. had informed the House in what manner he meant to lay this tax which was to supply the place of tythes, so that the mass of the people should not know that they were in fact paying tythes. There was something very extraordinary in the proposition of the hon. gent.; did he mean to say that the Catholics ought not to pay tythes? If he did, let him state that proposition fairly at once, and he would see what reception it would meet with from the House. If he meant that the Catholics should be subject to the tythes, why not let them at once fairly and distinctly know what they were paying? One of the grievances complained of certainly was the conduct of the proctors of non-resident clergymen, but the great source of the evil, he would still maintain, was the circumstance of the landlord taking too high a rent. With respect, however, to the grievances resulting from the conduct of the non-resident clergymen, he hoped they would be in a great degree, if not entirely, removed by the bill for enforcing the residence of the clergy.—He regretted very much that he could not agree with the proposition of the hon. gent. but he thought it would be highly improper to go into the Committee without having something specific proposed to them. If he had proposed a bill, and stated what provisions that bill was intended to contain, the House could then have proceeded to the discussion of those provisions; but to resolve at once to go into a Committee, without at all seeing their way through the difficulties that surrounded them, would, in his opinion, be not only useless but injurious. No man could possibly feel a more anxious solicitude upon this subject than his Majesty's ministers did; they had many plans in their contemplation; but upon a mature investigation, they were found impracticable. Still however, they were anxious to put this subject upon a better footing; and during the recess he would devote the utmost of his attention to it, and he trusted that by the next meeting of Parliament, he should be able to propose some plan to the House, or if he could not, he should at once state that he considered the measure as impracticable.—He should not follow the hon. gent. through the calculations he had made respecting the number of persons professing different religions in Ireland, because he did not think that they had any application to the question before the House, though he should have no difficulty in shewing that the hon. gent. was in many instances erroneous. But he believed that persons of all descriptions were anxious to apply some remedy to this evil, as they considered it. Whether he agreed with them upon that point or not, still he felt that it was the duty of government to allay even a prejudice, or to shew that they had done every thing in their power to remove the cause of the complaint. But he thought it would be highly improper to go into the Committee without having previously a rational chance of success; if they were to do so, they would excite a flame of expectation throughout Ireland, which they would not find it very easy to allay. He had shewn that the plan proposed by the hon. gent. was attended with insuperable difficulty. The hon. gent. had declared that none of the plans which had been previously proposed met with his approbation.; under these circumstances, he confessed he did not see any chance of succeeding in the object which they all had in view by going into the Committee at present, he therefore felt himself bound, though very reluctantly, to oppose the motion.

Sir *J. Newport* said that if expectations of remedy for these evils had not been held out at the time of the Union, that measure would not have been so easily accomplished; and contended that government, having held out these expectations to the people of that country, were bound to take every measure, and consult every means of effecting what was then so solemnly held out. But now, instead of applying the remedy the same expectations were renewed, and the same offer was made, as was made two years ago, of doing something or other after the recess. But it was not alone the expectations held out to the people of Ireland at the time of the Union that intitled them to redress, he contended, that they had additional claims to a modification of the tythes. For his own part, he must ever regard the marked inattention of ministers to every application for the redress of the Irish people upon this subject, as a gross breach of those pledges by which the noble lord (Castlereagh) had contrived to accomplish the Union. But this pledge was not made merely by the noble lord, but by the right hon.gent. (Mr. Pitt) whose successor the present minister boasted of being, aye, and by the right hon. gent. himself (the Chancellor of the Exchequer) who, immediately upon his succession to office, promised to take up the business. That right hon. gent. however, was contented to promise, and from session to session to renew that promise, without any apparent intention to fulfil it. The last speaker now succeeded to the same system of promise, and he very much feared he would succeed to the same system of performance also. The right hon. gent. called upon the House to wait until next session, and that then he might do something. But was it fair thus to deal with the people of Ireland?—and if they must wait, would the enemy wait also? Would that enemy who was ever active in his hostility to the British empire, decline to avail himself of the neglect of the English government to perform its engagements to the Irish people? Would he overlook the discontent with which the severe oppression of the tythe system was perpetually corroding the mind of the Irish? This was a consideration to which that House ought to attend, ere it was yet too late. They should take care to strengthen Ireland, as Ireland was the vulnerable point, and that strength was best to be produced by removing the discontents of its unfortunate population. The people of that country had really been so very ill treated upon the subject of the motion, that it could not be too emphatically urged upon the consideration of the House. At the period of the Union, an article was inserted in the act of Union for abolishing the tythes of agistment, because, according to the distinct declaration of a learned prelate in the Irish House of Lords, that measure must be carried as one of the conditions of an acquiescence in the Union. But the complete commutation of tythes was also promised. The latter, however, not having been granted, the effect of the former was wholly to transfer the burthen of tythes from the rich landed proprietors to the poor. It might be pretended, that there was no distinct pledge at the time of the Union to accede to a commutation of tythes. There might have been no written bond; but there was that which was equivalent to a bond in the mind of men of honour. There were prospects held out in various directions, and promises made by the highest authority, that a commutation of tythes should be one of the first consequences of the Union; and these promises he could assert had principally served to reconcile many to the adoption of that measure. Still it was possible that the same miserable expedient might be attempted with regard to these promises which had been resorted to upon the subject of the claims of the Catholics. How the pledges to the Catholics had been evaded could never escape the recollection of that House or of the Irish nation. But the evasion was glaring. He could prove at the bar, as he had before offered, that those pledges had been actually made. He could indeed shew, by irrefragable testimony, how the noble lord (Castlereagh) had managed the business—how the Catholics had received a solemn promise in one room, while a different promise was made to the Protestants in another—and how the promises to both had been grossly violated—how the noble lord

> "Kept the word of promise to the ear,
> "And broke it to the hope."

But although all the promises to the people had been disregarded, promises to individuals were rigidly fulfilled, and Ireland had in consequence to deplore, among other evils, an absolute degradation of the judicial function.—The right hon. gent. was, in his opinion, extremely wrong in founding his argument on this ground, that all the Irish gentry were most avaricious, raising their rents to the utmost limit, and thereby begetting a feeling of resentment in the tenant, towards the clergy, for exacting dues they were so ill able to pay, after discharging the grievous imposition of their landlords. He could not see how the House could interfere in the letting of lands, even at higher rates than they were worth, between landlords and tenants. But, because they could not remedy this, it was no reason why they should not remedy what was within their power. The right hon. gent. had spoken of the canting of lands in the county of Waterford; for himself, he could say, that he had never canted an acre in the course of his life, nor had he ever turned out an old tenant. The right hon. gent. had stated what was done in his parish; and, as it was but fair to set one parish against another, he would state what was the case in the parish where he resided. The effects of a trial of the system recommended by his hon. friend (Mr. Parnell) was to throw upon the rich the burden before altogether borne by the poor. By a general tax on pleasure grounds, &c. they had lightened the tax on arable lands and the ground where potatoes were cultivated. Then, why might not this system be extended throughout the country, every corner of which might be made to participate in the benefit? Why might not clergymen be content to receive the same sum, in peace and comfort, which they now obtained through everlasting turmoils and disputes? As the tithe system at present existed, no part of it was favourable to the Protestant religion. It would never extend it. The letting of the smaller tenants to curates was not calculated to promote the interests of religion; indeed it had quite a contrary effect. As for the right hon. gent.'s argument concerning proctors, it was not correct, for they were employed by the resident, as well as the non-resident clergy. He had consulted many clergymen on this subject, and, among others, one most valuable authority, who had been resident in his parish for 40 years, and that reverend gent. had said, that if a clergyman for one year collected the tithes of his parish, he would, from a view of the disasters and distresses it occasioned, be an advocate for commutation ever afterwards. By these proctors a great sum was diverted from the pockets of the poor, in vexatious law suits, &c. which never came into the hands of the clergyman. The mode, too, in which these proctors often concluded their bargains with the tenantry was very productive of oppression. They would call a meeting at the ale-house, kept by a brother, a nephew, or some relation, and there feed at the expense of the parishioners. Other meetings of the same kind frequently took place before the agreement was concluded, and at length it was terminated, after dinner, when the peasantry were half-drunk, and unable to attend to their own interests. It was thus that a cant was called in Sligo, and the tithes sold to the highest bidders; from the conclusion of which many disturbances ensued. The measure now proproposed would not injuriously affect the clergy. If they had an equal income, they could not be interested in the mode in which it was raised; and he knew that many of the higher order condemned and abhorred the existing system. For these, and many other reasons, it was, that they called on government to remedy that vicious system. It was admitted by all to be wrong; therefore, they ought to have a remedy. But the right hon. gent. opposite said, "No! do not inquire. Trust to me, and, by next session, I will propose a measure of redress." For his part, he would rather trust to the collective wisdom of 658 members of parliament. It was also said by the right hon. gent. "do not hold out expectations which may never be realized." This came very ill from those who had held expectations to induce a nation to make the greatest sacrifice a nation could make. They were also told to wait for a year. Would these gentlemen be able to persuade a foreign enemy to wait? Would it not be better to heal and consolidate the empire against all external attacks. Were one great part of it to have no inducements but promises thrown out and never made good? Were they to be told without inquiry, that remedy was impracticable. As for his hon. friend (Mr. Parnell,) he had not said what was imputed to him. He said that the Catholics would pay, in an indirect manner, the same rate more cheerfully than they would pay it directly to a Protestant clergyman.—This argument was held good by the example of that respectable body of men, the Quakers, who paid more than they would do, were they compelled to pay direct tythes. The right honourable gentleman had also urged the inequality of the collection of tythes. This very inequality was what was complained of. In one parish they took tythes on potatoes, which was not done in another. In one part there was a modus to relieve from the tythe of flax, which was not allowed in other parts. These were grievances, and it was indeed strange to hear them now adduced as reasons for not complaining. He would not enter into a detail of particular facts; but he knew many of the parochial clergy of Ireland, who, but from the dread of offending the superior and controuling powers, would be ready to state their being entirely favourable to the system of his hon. friend. The House of Commons were not fully acquainted with all the circumstances attending this Irish question, and, therefore, were not able to apply the necessary remedy. But inquiry would give them full information, and then they might come to a just decision. As for its creating a flame of expectation, this was the usual and general objection. The contrary was the case—for when the people saw that the House was in earnest, prosecuting measures for their relief, they would be satisfied. They would be satisfied, even though the result should be that no remedy could be found. If the other course was pursued, and inquiry stifled, it would be the source of rooted and bitter discontents.

Mr. *W. Pole* in explanation stated that he did not mean to cast any reflection upon the Irish gentry, but upon the middle men, to whose conduct, he fully believed, was attributable the greater part of the oppressions of the poor. Indeed, he was warranted in this belief from a fact which had lately come to his knowledge. In consequence of some recent disturbances in a particular part of Ireland, which he had yesterday mentioned to the right hon. bart., government thought it its duty to send down a person specially to inquire into the cause, and the result of his inquiry was, that the disturbances were owing entirely to the manner in which a man, who had just obtained a lease of a large estate, had let out the ground at a rack rent to the people. Such was the communication officially made to the Irish government, and such was the nature of the case in his mind, when he abscribed so much evil to the misconduct of landlords.

Mr. *L. Foster* thought it better to endure some evils than attempt to remedy them, unless a digested plan were laid down to proceed upon. Such a plan he had not discovered in any speech he had heard. The hon. gent. opposite had argued on general principles. His first general principle was the abolition of tythes; his second was, that the treasury should pay the lay impropriators; his third, that a tax should be substituted for the present tythes. These were all speculations, in which the hopes of the projector must inevitably be disappointed; and therefore, he was averse from giving them any sanction or countenance, by sending them for consideration to a Committee. No doubt tithes were felt as an inconvenience; so were rents, taxes, &c.; still they must be borne, and it was nothing but folly to contend against them. Gentlemen in that House, arguing from their knowledge of the practice in England, were apt to have a very erroneous opinion of the system of tythes in Ireland. In that country small tithes were unknown, and the abolition of tythes of agistment exempted pasture lands from any payment. A third of the property in tythes too belonged to lay impropriators, and in this any change would be severely felt, and create much confusion; for in these the property had for centuries descended from father to son, and were the foundation of family settlements. The House he was sure would therefore be cautious of interfering with such property, and consequently the principle of legislation now proposed must be exclusively applied to the other two-thirds. The hon. gent. then adverted to the resolution of the Irish House of Commons in 1735-6, by which those demanding the tythe of agistment and those concerned in the recovery of them by suits at law, were declared enemies to their country. This vote he condemned severely, as having diverted the arable into pasture land, and thereby being inimical to the population and civilization of the country. By it the tax passed from the rich grazier and fell upon the poor man's potatoe garden. It was possible, that those who approved of thus taking one half from the clergy, might wish to take the whole; but to him it appeared much better to restore the part taken away, than, by secret measures, to form a substitute for the remainder. He would stand by what was left them. He, as much as any man, deplored the system of proctorage; but he could see no means of getting rid of it by any legislative measure. In itself, he was happy to observe it carried the seeds of decay. In Ireland it appeared from the report before the House, that there were 1,180 benefices, on which there were only 740 glebe-houses, and 500 of the clergy were non-resident. The late act was, no doubt, very salutary; but, till the glebe-houses were completed (which active exertions were employed in carrying into effect,) complete residence could not be expected. As this succeeded, the proctorage would consequently decay. He was ready to go hand in hand in any rational amendment that could be proposed, but would rather wait for the gradual effect of the system, than go into a committee to encourage rash and unfounded hopes which must end in dissappointment and necessarily lead to discontent.

Mr. *Herbert* agreed perfectly with the hon. mover in all his views upon the question. If the statement of the right hon. gent. (Mr. W. Pole) was correct, it would act as an eternal barrier to the commutation of tythes. For he had said the clergy had now only one-twentieth, instead of one-tenth, which they ought to have; and that any change must have the effect of restoring their original claim. One tenth of the produce was one-sixth of the whole value of the land; and he would say, that were this to be allowed for the performance of clerical duties, it were much better, instead of the exactions, to do away with the law itself. He had one other great objection to the system of tythes—they fell on the industrious, and spared the idle. He wished a committee to be appointed; as, however it might now be urged to the contrary, he was convinced, a better mode of tything, than that now existing, might be devised. He concluded by warmly panegyrising the motion, as calculated to produce the utmost benefit to Ireland.

Mr. *M. Fitzgerald* had been instructed most earnestly by his constituents, to impress the necessity of the measure, proposed by his hon. friend, upon the House. Had the pressure of tythes not been in general very severely felt, he could not have had such instructions from a county, which, from its nature, was as little liable to them, as any in the country. He gave his most cordial support to the hon. mover, who had stated many aggravated facts, which were sufficient to induce even the friends of the tything system to call for inquiry. He therefore hoped the House would not withhold it. In their arguments, the hon. gentlemen opposite had confined themselves to the plan of his hon. friend, but they ought to have answered the numerous observations thrown out by him, which were in themselves sufficient to demand inquiry. There were many plans of redress to each of which plausible objections might perhaps be made, but the fact was, there did exist a great evil, and if a committee was appointed, and should even report that no remedy could be discovered, that proceeding itself would satisfy, and induce the Irish people to submit to their sufferings. But when ministers asked them to put off the question till next session, and to trust to their inquiry, what was it but to ask them to trust to what had already deceived them year after year. This had been a stale practice in the Irish parliament for 25 years.—It was ever, "do not agitate the public mind while you have no digested plan," but this was postponing the question for ever. As for exciting a flame of expectation, he was desirous of seeing it excited. It would be a new flame, and totally different from the flame of despair, which would be excited, should the House of Commons reject inquiry altogether. Inquiry they called for, because tythes were not levied in Ireland as in England; because the same class of persons did not pay them; because they fell upon the poor; because these poor had not the same legal remedies; and, from the terror of applying for redress to the spiritual courts, were driven to enter into civil contracts, on which the proctor levied costs, and distressed the people. In Ireland the church establishment was supported by the same class of people who in this country were the objects of parochial relief, and were placed in the poor-houses. In England the tythes were paid by the rich, who had capital, machinery, and great extent of land. In Ireland they were paid by the poor, without capital, and whose only machinery to cultivate a small spot of ground, was the sinews of themselves and sons. A member for one of the most arable counties in England, (Mr. Coke of Norfolk) had complained of the tythes being to the amount of 5*s.* an acre, but what would they think, when they were told that wheat in Ireland paid two guineas, and potatoes 36*s.* an acre? The hon. gent. then answered the arguments of the last speaker but one, as to the vote against tythes of the agistment in 1786. This, he contended, was an argument for, instead of against inquiry; as it made all the capital farmers withdraw from arable to pasture farming. The remedy proposed by the hon. gent. was to extend the tythes again to the pasture land. In his opinion this was no remedy. It would be to double the income of the clergy, without relieving those now burthened. The idea was preposterous, and even had not the matter been settled by the articles of Union, the hon. gent. would find it extremely difficult to prevail on parliament to double the revenues of the church. The clergy were already abundantly paid, and it was indecent to call on the poor to pay the Protestant clergyman, who was not even expected to perform a single clerical duty, a baptism, or a burial for them. To prove this, the hon. gent. quoted a passage from a pamphlet attributed to Dr. Duigenan, published in 1787, and stating the danger of any portion of the laity from the want of Protestant pastors becoming the prey of rambling Popish friars. The hon. gent. then proceeded to argue from the nature of the original institution of tythes, that they were intended for various other purposes besides that of the maintenance of the clergy. It appeared that in the times of Richard the 2d, Henry the 4th, Henry the 6th, down to Edward 4, that but a fourth part of the tythes then collected was appropriated to the clergy merely. He perfectly concurred in the opinion, that the clergy should be liberally provided for; but could not acquiesce in the proposal that their emoluments should arise from the misery of the people. He wished that the House would act upon rational principles, and consider that such a mode of draining the country was completely inconsistent with justice, especially if the present condition of Ireland was at all an object of attention.

Mr. *William Fitzgerald* wished that an inquiry should be instituted, of a candid and legitimate nature, but differed from the hon. gent., who had proposed the motion, as to the grounds upon which it should be supported.

Mr. *Grattan* said, that he had for a considerable time entertained the same opinion, upon the oppressive nature of levying tythes in Ireland, and that he had not in all that time heard one argument that could prevail on him to alter that opinion. He was more and more convinced of the propriety, and of the necessity, and of the practicability of a commutation, it was not the commutation that was impracticable, but it was the strict levy of the tythe that was so. The Irish clergy ought not to attempt to levy a tenth of Irish produce, because the measure itself was an impossibility; they could not do it, and what was more, they would destroy themselves by attempting to do it, the attempt would involve their destruction as a corporation. But were it practicable, would it be expedient? Let the church take the tenth of the national wealth, and what do either the country or the corporation gain? The church may become too rich for devotion, and then a comparison will naturally grow out of the wealth of the established clergy, and the poverty of the tolerated, the one will have its odium, and the other will have its praise, the odium and the praise being both popular, may be equally excessive, but not on that account the less mischievous. He did not wish to touch the present income of the church. He would make it the basis of any arrangement that was to be proposed. Tythes, though abolished, would not affect an income derived from a different source; the country was able to provide for their established clergy, unless gentlemen would say that it was easy to provide for the moderation of the Catholic clergymen, but impossible to provide for the hungry ambition of the Protestant; who would listen to no other commutation than that of a tenth for a tenth. But that would not be said; he would not say it; for he could speak from knowledge in testimony of the moderation of the majority of the Irish Protestant clergy. There were a few whom he found to be sufficiently acute, furnished with a quick scent in the pursuit of clerical profits. They were, however, but few; the generality were of a different order. But the tythe proctor was of another species and another stamp, a public factor of public rapine; he extended beyond himself the infamy of his galling and griping character. The church suffered from the officious ministry of those sordid harpies. The tythe proctor cannot help being a tythe proctor. He only follows his nature when he grinds. But the clergy should be removed to a jealous distance from the contagion of such a connexion. He was for going into a committee, if it were only to shew the Irish public that their interests were not wholly indifferent to that House.

Dr. *Duigenan* said, that the grievance of paying rent to a landlord, might as well be complained of, as that of paying tythes. He contended that the true cause of the poverty of the lower classes of the people of Ireland, was very different from what had been represented. The people, in fact, were not by any means in such a state of indigence as had been described. Attacks had been made upon the proctors; but the most avaricious proctors could never act in such a manner, as the House was given to suppose. It was impossible for a proctor to levy one tittle more than had been ordered by his employer. And what were those tythes, so much talked of? To his knowledge no more than five shillings an acre was levied in the diocese of Dublin; and he begged leave to ask whether such an imposition was too heavy; and if it did not on the other hand appear almost insignificant, when the immense produce of the land was considered? But the conduct of the clergy in making these demands upon their parishioners was very indulgent and kind; for, after the tythes had been due for some time, they were content to take a note at a year's date, for the amount; this was surely a very great convenience. It was wrong to call tythes a tax; they were no such thing, as the clergy were as well intitled to them, as the land proprietor to his lands: and to their being a severe and partial exaction upon the property of the Roman Catholics, he contended that that could not be the case, while forty-nine parts out of fifty of the landed property of Ireland were in the hands of Protestants.

General *Matthew* could pay little attention to the observations of the last speaker, having understood from a noble lord not now in that House, when he was made a member of the privy council in Ireland, so little confidence was he thought entitled to, that he was to be the muzzled doctor. He (the general) had a petition on the subject of tythes during the last year from his county (Tipperary) which, trusting to the assurances of the Chancellor of the Exchequer, he had not brought forward; but he now found him to be a slippery person. He was therefore, in favour of the motion.

The *Chancellor of the Exchequer* declared that it would be holding out a most mischievous delusion to the people of Ireland were a Committee to be appointed, from which nothing could be expected, since the gentlemen who proposed it, had not themselves any distinct idea of the object which they had in view. If they would bring forward any distinct proposition, he assured them that he would examine it with the greatest candour and attention. He completely denied that the clergy were not entitled to the tythes. They were the inheritance of the church; and, if commuted, ought to be commuted to the value of a tenth, with a diminution for the expences now attendant on their collection. In that case he was persuaded the tenantry of Ireland would pay much larger sums than they did at present.

Mr. *Hutchinson* warmly asserted the necessity for the appointment of a committee. Adverting to the neglect which he observed the affairs of Ireland experienced in the imperial parliament, he declared that should motions of this nature be systematically negatived, and should no steps be taken to ameliorate the condition of the people of Ireland, he should feel it his duty to propose the dissolution of a measure to which he owed the honour of a seat in that House.

Mr. *Wilberforce* was clearly of opinion that it became parliament to inquire minutely into the situation of the Irish people, with a view to its improvement. The interests of Ireland were the interests of Great Britain; the strength of Ireland was the strength of Great Britain; and he hoped that the House would enjoy the honour and happiness of ameliorating the condition of the brave and generous inhabitants of the sister country.

Sir G. *Hill* opposed the motion, as tending to hold out a false hope to Ireland.

The House then divided; For the motion, 48; Against it 69; Majority 21.

List of the Minority.

Abercromby, hon. J.
Adams, C.
Babington, T.
Bernard, S.
Bernard, Thos.
Brand, hon. T.
Calcraft, J.
Campbell, D.
Cavendish, W.
Creevey, T.
Curwen, J. C.
Evelyn, L.
Fitzgerald, Wm.
Fitzgerald, right hon. M.
Grant, G. M.
Grattan, right hon. H.
Halsey, J.
Herbert, H. A.
Hutchinson, hon. C. H.
Latouche, John
Leigh, J. H.
Lemon, C.
Lloyd, J. M.
Lockhart, J. J.
Macdonald, J.
Manning, W.
Maxwell, W.
Mathew, hon. M.
Maule, hon. W. R.
Milton, viscount
Morris, E.
Moore, Peter
Newport, rt. hon. sir J.
O'Hara, C.
Parnell, H.
Ponsonby, right hon. G.
Porchester, lord
Power, R.
Prettie, F. A.
Sharp, R.
Smith, W.
Smith, J.
Talbot, R. W.
Temple, earl of
Tierney, right hon. G.
Tracey, C. H.
Western, C. C.
Whitbread, S.
Wilberforce, W.
Wynne, C. C.

HOUSE OF COMMONS.

Monday, April 16.

[BREACH OF PRIVILEGE—NEWSPAPER PARLIAMENTARY REPORTS.] Mr. *Wallace* called the attention of the House to a direct breach of its privileges, in the way in which the speeches of some of its members were reported. He did not wish to object to the practice of reporting, nor was it his intention to follow up what he should now say with any motion. He only wished to awaken the House to the situation in which this indulgence of admitting strangers to hear the debates of that House, and to communicate what they heard to the public, now stood. Any interruption to the practice of reporting, in his opinion, would be ill-advised. Nothing could be more distant from his intention than to restrain this practice. Some gentlemen might think it more advantageous, others less so; for his own part, he thought the advantages arising from the practice were greater than its disadvantages. Two things, however, were absolutely necessary to be observed in carrying it on. First, a respectful decency towards the House; secondly, all that fairness in detailing the speeches of individual members, which, in the circumstances of things could be attained. Without the first, the sufferance would be dangerous—without the second, the practice be useless. He particularly meant to allude to a speech of a right hon. baronet (sir John Anstruther) a short time ago, which had appeared in a morning paper in such a manner as to throw ridicule on the speaker, being accompanied with annotations, and some parts of it printed in a different character from the rest, so as evidently to betray the intention of the reporter. He reprobated the idea of encouraging such a practice. He had also remarked that the speeches of some of the most considerable and distinguished members of that House were suppressed, and even where any allusion was afterwards made to the arguments or observations of those members such allusions were also omitted. In this manner did the proceedings of that House go before the public in a mutilated and partial form. If they were to be reported at all, they ought to be reported fairly. By suppressions of this kind the most destructive system of unfairness and misrepresentation might be introduced, and the liberty given by the House of reporting its proceedings fairly, would be completely perverted to an opposite purpose. He should make no motion on the subject at present, but should feel it his imperious duty to call on the House to resort to the measures, which might seem necessary on the occasion, if what he had now said was not taken as a sufficient warning. He should expect in this endeavour the support of every gentleman in that House, particularly of those who were most friendly to reporting; and he was also satisfied that he would confer an obligation on the public, who would naturally wish to see a fair, a full, and impartial account of the proceedings of the House.

Mr. *Tierney* disclaimed all knowledge of any intention on the part of the hon. gent. to submit any observations on the subject to which he had now alluded. He had never thought of doing any thing in relation to the subject, so far as he himself was concerned.

Mr. *Wortley* hoped that all combinations of the kind alluded to would be broken through, and that some paper would set the example of taking up the matter in a fair point of view, by giving the speech of every member impartially.

The *Speaker* said, the hon. gent. must be aware that this was an irregular conversation.

[Mr. John Gale Jones.] Sir *Samuel Romilly* rose, pursuant to the notice he had given, to move that John Gale Jones be discharged from his confinement in Newgate, for an alledged contempt of that House. Though the opinions he had delivered in that House on the subject of the legality of his commitment remained unaltered, it was not his intention to call on the House to do any thing on the ground of the opinions he had then delivered, but he now built his motion on the simple ground, that the punishment already inflicted was sufficiently severe for the offence. He understood, at least so he was informed, that, when the matter was formerly before the House on a similar motion made by an hon. bart. now in the Tower, several gentlemen had said, that they would have agreed to the motion for setting Mr. Jones at liberty, if it had been made on any other ground, than that the proceeding of the House in committing him to prison was illegal; and though many agreed at that time that the punishment was even then sufficient, yet they did not feel themselves at liberty to assent to his liberation, because they were afraid that they might thereby seem to acquiesce in the doctrine on which the motion for discharging him was then founded and supported. On this ground he (sir S. Romilly) should be careful not to say a word which could deprive him of a single vote of any gentleman who might be thus situated. He should however have been happy of the opportunity of setting himself right with the House and the country, and should even have been anxious to be allowed to answer the arguments which had been urged against him. But he should never for the sake of any object personal to himself, or from any idea of enforcing his own opinion on any subject, however important, think of risking the imprisonment of an individual even for a single day. He submitted, that now, at least, the imprisonment of Mr. Jones would be admitted to have been a sufficiently severe punishment for the offence committed. He believed it had been generally the practice of the House not to listen to applications on the part of persons imprisoned under their authority, but on petitions, admitting the justice of the sentence, and the contrition of the party for the offence of which he had been guilty. He could not pretend to be so well acquainted with the practice of the House, as to say whether this was an invariable rule. But he did not conceive that there could be any practice, or any rule of practice so binding upon the House as to preclude them from proceeding on their own ideas of humanity, and from recollecting that, in the dispensing of justice, it ought to be tempered with mercy. Was it to be esteemed an unalterable rule of proceeding in that House, that they were not competent to discharge any person who might have been committed under their authority, because he did not chuse to confess the justice of his punishment, and to express his sorrow and contrition? If that House had such a rule, it was one which did not belong to any court of justice in the kingdom; and it was extremely difficult to understand on what ground the House could have such a dominion as did not extend to the measure of punishment alone, but entitled them to call on the individual to abjure any errors or principle which he might maintain. This might have been the privilege of religious tribunals, which were content to make hypocrites when they could not make converts; but he hoped it would not be contended for in that House.—Let gentlemen but reflect what might in such a case be the situation of individuals who might from conviction entertain particular doctrines. One might publish a declaration, that this government was a pure monarchy, and that the two Houses of Parliament were emanations from it, which might be spared. Would the House contend, that previous to the liberation of such a man from confinement, he must abjure and renounce his theoretical opinions, and so complete by a confession of what he was satisfied was not true, the measure of his own disgrace? If the House had such a power it was greater than that which any court in the kingdom possessed. To insist on such a power, was to contend for what amounted to the height of degradation, against the person who was exposed to it. It went infinitely beyond any corporal punishments whatever. If such a power as this was to be asserted and maintained, if after imprisonment the person committed was to be forced to retract—if this was to be one of the privileges of the House—it was high time that the line of distinction should be drawn, and that it should be seen how far the principle was to be carried.—It would be necessary, in this view of the subject, to look back to times past, when they would see, that the form of proceeding with respect to the privileges of the House in this respect, had undergone as great a change as our general manners. Formerly, when a person was called to the bar to be discharged, it was not sufficient for him to petition and to express sorrow for the offence, but the prisoner was obliged to ask pardon on his knees. It was now half a century since such an exhibition had been made, and he believed the last person who had kneeled at the bar in that manner was Alexander Murray. Not only was kneeling at the bar formerly the practice, but on the occasion of a Cornwall election, two persons of considerable rank, one of them a baronet, who had incurred the displeasure of the House, were ordered not only to kneel at the bar to receive the Speaker's reprimand, but also at the assizes to acknowledge their offence before the judges and the county. He did not suppose the House would think these precedents on which they should act. He begged them therefore to consider, whether they now felt themselves intitled to impose any thing beyond an adequate punishment? If they did not, the question would then be, What was the punishment which the individual had suffered in this case? It was imprisonment for nearly two months. On the 12th of March last, at which time Mr. Jones had been in prison only 20 days, it was the general sense of the House that if a petition had then been presented, he should have been discharged. He had then suffered an imprisonment of 3 weeks, for a breach of the privileges of the House; and he had since suffered an additional punishment, by imprisoning for five weeks longer, for the omission of presenting the petition, in other words, for not complying with that formality which was usual on such occasions. No man, surely, would contend that the breach of privilege for which Mr. Jones was originally committed was not an offence of much greater magnitude than this latter omission; if so, and he ought to have been discharged five weeks ago, having then suffered sufficient punishment for the greater offence, who would contend that he ought not now to be discharged for the smaller offence, unless, indeed, it was to be insisted, that besides submitting to an adequate, or more than an adequate punishment, he must also undergo that torture of confessing that to be an offence, which in his heart he did not feel to be one. On this principle, if he could not bring his mind to admit as true what he knew to be false, he must remain in prison till the close of the session, which might not be sooner than the latter end of July—a punishment which he (sir Samuel Romilly) could not but conceive to be inordinately severe.—Supposing Gale Jones to have an opinion, however erroneous, that he had committed no such breach of the privileges of the House, as warranted them in committing him to prison, and holding that opinion, to be impressed with the idea that it would be criminal conduct in him to confess the contrary—nay, that such a confession was a line of proceeding which as a British subject he could not adopt—he asked, if such were his conscientious feelings, was there a gentleman so intolerant as to contend, that on this account he ought to remain in prison as long as the House had the power of keeping him there, and that it would not relax even at the end of the session, were it not that its power then ceased? Supposing him to think that it would be an unpardonable crime in him to acknowledge guilt in this case and express his contrition, no judge could discharge him by Habeas Corpus. Was this, then, so serious an offence, that he must remain in prison after he had already suffered adequate punishment? What credit could the House acquire by such a proceeding? From the homage of so humble an individual as Mr. Jones, who gained his livelihood by presiding at a debating society, what additional honour could accrue to that House? No man of common sense could conceive the submission of such a person to be deserving even a moment's thought. He concluded by moving, That John Gale Jones be brought to the bar to-morrow, for the purpose of being discharged.

Mr. Secretary *Ryder* said, that for one, he could not concur in the motion. If the hon. and learned gent. had been correct in stating, that it was necessary for an individual to retract his sentiments before he was discharged, that might in some respect have altered the question. That, however, was not the fact; all that was required was, that the person should express his sorrow that he had incurred the displeasure of the House. If this had been a case where the individual had used speculative opinions, and the usage of the House was to require that those opinions should be disclaimed, then the arguments and eloquent common places of his hon. and learned friend would have applied, which, he submitted, they did not, as things now stood. The question was, if the House was now, for the first time, to depart from their established rule, and discharge Mr. Jones without any petition from him expressive of his sorrow for having incurred the displeasure of the House. What was this requiring of him more than what he himself had voluntarily stated at the bar? He was sorry not to see a right hon. gent. present (Mr. Sheridan), who had on a former night, if he was rightly informed, been solicited to present a petition from Mr. Jones. There was no gentleman, indeed, in that House who would refuse to present a petition for him. He continued a prisoner, however, not because his offence was such as that he ought on account of it to continue a prisoner, but in consequence of his desire to put the House of Commons at defiance, and that he might have it in his power to say, that he had been the person to shew them that they had been wrong in all their former practice of commitments. He was one who wished no rigour to be observed in this instance, but he had not heard any reason to induce the House to depart from their uniform practice.

Lord *A. Hamilton* felt particularly anxious that no doubt of his sentiments should be felt on this occasion, as he entirely concurred in the propriety of the present motion. The doctrines of the right hon. secretary were not, in his opinion, of an order to heal the breach that existed between the House and the country. The person whose case was now under consideration had done nothing derogatory to the privileges of the House. Breach of privilege was a general unmeaning cry, an undefined cant, which never struck his ears without raising in his mind a suspicion of those from whom it came. Reporting the debates of the House had been idly construed into a breach of privilege, though at length it was peaceably acquiesced in as an advantage. But he was glad to find that no appendage had been hung to the question of the release. He had stated his opinion when the question first came before the House; he then thought that the House wandered strangely from its due constitutional course when it condescended to take up a private quarrel; the offence having been given by Mr. Jones, to Mr Yorke; which made it the case of an individual against an individual. As the quarrel was private, it ought to have been determined as all such quarrels between private persons. The House, occupied as it should be, in the great concerns of the empire, should not have stooped from its dignity, to pour the weight of its vengeance on a man, of whom they knew nothing more than that he turned Mr. Yorke, the teller of the exchequer, into ridicule. By the unfortunate notice which the House was led to take of that quarrel, a train of circumstances, some disgraceful, some most disastrous, was drawn on, till the privileges of the House began to be looked on by the people as instruments of danger, and questioned by even themselves as rights of usurpation. Perhaps the circumstances under which Mr. Jones's irritation arose, were such as might justify no slight popular discontent. A great expedition, the greatest that ever left a British port, had failed; the officers threw the blame on each other; the ministry came to open violence upon it; the people demanded an inquiry into the causes of that most dreadful calamity; the House promised it; public expectation was awakened, and waiting to see justice done. The trial began, and instantly the gates of that great temple of national justice were shut. Was it not natural that the excluded people should at least express their surprize? that wandering round the courts of that temple, they should be dissatisfied with hearing only the broken and scattered responses that might be periodically issued out from the shrine, to feed and to elude popular anxiety? Admitting that such a feeling was wrong, it was natural; and Mr. Jones was only one, among many, who felt displeased at the act and its author; but his offence was not levelled at the House. In what predicament would the House be placed by the doctrines of the right hon. secretary? He admitted that the person in confinement had at the bar expressed his sorrow for having incurred the displeasure of the House, and did the right hon. secretary then actually think it becoming the dignity of that House, to measure its punishments, not by the quantity of the offence, not by the natural principles of justice, but by the power of the offender to hold out in his opinion; thus making the wisdom of the House to be the idle combatant of the folly of any individual, and forcing their good sense to depend upon Mr. Jones's obstinacy. An adjournment might be so managed as to confine the prisoner for any indefinite time; and was this to be called only a fit punishment, for want of facility in the accused person? With respect to parliamentary privileges, he revered them, as they ought to be revered, in the mild exercise of their power; but if that power was strong, its use ought to be delicate; and to make their privileges what they ought to be in point of vigour, they must be used in that form, from which they should never have been diverted in point of principle. They should be used for the protection of the rights of the people.

Mr. *Fuller* thought the question lay within a narrow compass. To his mind it appeared to be only whether the prisoner had been sufficiently punished or not. If he had been sufficiently punished, why were they to have him called to their bar to acknowledge his offence? That House had nobly cut up the prerogatives of the crown, which had been previously undefined; it now became their duty to reduce to some definite state its own privileges, which even the right hon. member in the chair would find difficult to understand. They were bound to define their privileges, and not continue the practice to commit during the session. It was no matter whether a party were committed for three days or three months, as nothing could be more absurd than to commit without any certain rule to go by. The subject in this free country had a right to have some measure of offences and punishment established. They ought to enact a Magna Charta of parliament, as they had the Great Charter of their civil liberties and rights.—As it was submitted on all hands, that Gale Jones had been sufficiently punished, he ought to be discharged. If they should not enact some statute on the subject, he was determined, whenever a question arose for a commitment, to vote for it for a certain period only. If their privileges should be left in their present vague and undefined state, no man's house could be safe. But as he had been already very severely reprimanded for a breach of those privileges, in order to avoid being led too far by irritation, he should read from a paper what undefined privilege could do. The hon. member then read, that such privilege could put it in the power of a nervous chairman of a committee to call upon the Speaker for protection; it could give the Speaker the power to order a person to withdraw, and to the House that of ordering him into custody, without allowing him the opportunity of hearing the charge against him; it could give the power of keeping him in confinement, to the great affliction of his family, and so as nearly to cause the death of some of his connexions; and then it could give the power of imposing a heavy fine, and of reprimanding the person for an offence, which at common law would not be punished by a fine of five shillings. If that reprimand should go down to posterity upon the journals, it would be more injurious to the House than to the individual, in the minds of the people.

Lord *Folkestone* denied, that any application had been made to have a petition presented on behalf of Mr. Gale Jones. But he had risen principally from a wish to set the right hon. Secretary right, as to what he had erroneously conceived and stated to be the practice of the House respecting petitions. That right hon. gent. had said that it was not necessary for Mr. Gale Jones to acknowledge his offence, or retract any opinion upon his petition, in order to his being discharged, but merely to state his regret for having incurred the displeasure of the House. To shew that the right hon. gent. was not correct in this statement, he had only to refer to a petition which he remembered to have been presented a few years since, from a Mr. Drake, who had been ordered into custody for prevarication in his evidence at the bar, for having told lies and incredible stories, respecting himself, during his examination as a witness before that House. That petition he had himself brought up, and when it had been read, he moved that it be laid on the table; but was then informed by the Speaker, that it was contrary to the established practice of the House to place any such petition on its table, unless the petitioner submitted to the authority, and craved the mercy of the House, at the same time acknowledging the justice of the sentence. Some days after he had presented the petition, however, it was found that all that Mr. Drake had said was perfectly correct. The consequence was, that Mr. Drake having been committed for supposed lies and prevarication was suffered to remain in confinement because he would not acknowledge that to be false which was afterwards found to be true. Though he had not remained long in such confinement, the parliament having been dissolved in three or four days after, yet that did not alter the nature of the case. Having stated this case, and the decision of the chair upon it, he was authorized to assume it to be the invariable practice of the House to require a petitioner to submit to the mercy of the House, and acknowledge the justice of his sentence. As the right hon. gent. therefore had stated that, if that were the practice of the House, he should vote that Mr. Jones be discharged, he had a right to expect that the right hon. gent. would be as good as his word, and vote for the motion of his hon. and learned friend, whose common places, as represented by the right hon. gent. appeared to him to consist of most able, and eloquent, and conclusive arguments. Upon the whole, he was convinced that Mr. Jones ought to be discharged, and should therefore vote for the motion.

Mr. *Curwen* observed, that the able speech of the hon. and learned gent. who brought forward this motion, was in itself sufficient to recommend this very important question to the most serious consideration of the House. The case of Gale Jones at present seemed to him to be, not that he should be continued in confinement for a contempt, but for the obstinacy and pertinacity with which he persisted in declining to submit himself, by petition, to the mercy of the House. Though he had not been present on the occasion, he was well informed that Mr. Jones had conducted himself with propriety, and respectfully submitted to the authority of the House, when first brought to the bar. That having been the case, then, he would ask, whether the House would consider it becoming or just to punish him for that obstinacy, to which he might perhaps have been worked up by others, in abstaining from applying for his release by petition. The House on this occasion should leave out of its consideration every thing concerning Mr. Jones, or the circumstances which might have prevented him from petitioning. In that it would do what became its own dignity; and he was persuaded it would be more honourable to them, as well as gain them more respect from the public,—to discharge this man, than to continue his imprisonment. There might be, and he had no doubt, there were persons who would attribute such an act to motives dishonourable and base. But were they, as upright representatives of the people, in the conscientious discharge of a public duty, to regard such feelings? Were they to neglect to do a duty, because wicked men might ascribe bad motives to them? He concurred in all the sentiments of the honourable and learned member who brought forward this question; he was persuaded that it would be cruel to call upon a man to retract or renounce opinions, the truth of which he might still continue conscientiously to believe. Such a principle was unknown to the laws of this free country; at least, he knew of no law that called for such a renunciation. If the dignity of that House required that such a principle should be acted upon, he should be the last man that would vote for the discharge of Gale Jones without requiring him to comply with the established forms. Whatever might have been his opinion as to the nature of the offence, as the House had decided it to be a breach of its privileges, it was not for him to dispute the propriety of such a decision. But the right hon. secretary seemed to have argued the propriety of requiring a petition, on the ground of precedent. Could not that right hon. gent. perceive, that if there were any value in that argument, he might on the same ground refuse his assent to the discharge of Gale Jones, if he did not appear at the bar on his knees, as in the case of Murray, alluded to by the hon. and learned gent. on the floor? Whatever might be the course of precedents heretofore, this was a time when he was of opinion the House ought to make a different precedent. He was determined to stand by the House in every thing that was necessary to its dignity; but he did not think that would be best consulted by protracting the punishment of an individual, because he would not apply for his enlargement, by submitting to acknowledge the justice of his sentence, and craving the mercy of the House.—At this critical and awful period, it was his settled and decided opinion that the House should not shut its eyes to the real state of the country. He was one of those, who, so far from thinking, as had been sometime since stated within their walls, that that House, in point of reputation, had not a leg to stand on, were fully and satisfactorily persuaded that such an aspersion was absolutely groundless—was in reality false. He was bound, nevertheless, to admit that they did not possess that high degree of public estimation and confidence which ought to belong to them. If by forbearance to discuss their real difficulties, they could remove them, that might be a reason why they should pass them over without notice. But, in his opinion, the only true way of averting danger was to look it boldly in the face; and these were times which imperiously called upon them to meet every difficulty with fortitude and spirit. The great bulk of the nation, he was convinced, was firmly attached to the constitution and the government, and ready to make all the sacrifices which the circumstances of the times might require. He was constrained, however, to allow that the country had many grievances to complain of; and these that House was most particularly called upon to attend to and redress. Under this impression, it was with considerable satisfaction he learned that an hon. member (Mr. Brand) had that evening given notice of a motion for a parliamentary reform. It was impossible for any honourable member to listen to the sentiments expressed out of doors, and not be convinced of the necessity of some reform of the representation of the people in parliament. In order to shew how the feelings of the House and of the country pointed out the expediency of adopting some measure for that purpose, he had only to advert to the attention, which was uniformly paid to every thing that fell from the honourable member for Yorkshire (Mr. Wilberforce). This mark of respect that honourable member received in a much higher degree than many other hon. members, who, without meaning any thing offensive to that hon. member, might justly compare with him in every other respect. To what was this owing but to the great weight which must naturally belong to any thing coming from the representative of 50,000 constituents? This too shewed how necessary a reform was, which would give to the members of that House the representative respectability of the collective number of their constituents. When he talked of reform, he did not mean any of those wild and visionary theories, which had so frequently been recommended for adoption in latter times. His wish was to infuse into that House a greater portion than it contained, in the present state of its constitution, of the landed interest. Feeling as he did upon this head, he could not but condemn that extravagant prodigality of the honours of nobility, which had robbed that House of so much respectability, without adding any thing to the consideration of the other House of parliament.—There was another point also, upon which he must express his most decided regret and unqualified disapprobation; namely, that list, which, upon the motion of the noble lord (lord Cochrane) the member for Westminster, had been laid upon their table. In that list of pensions he was sorry to find the names of persons without merits; to perceive that pensions were granted to the relatives of persons, who would and ought to be ashamed to take such paltry sums from the public purse. It was by no means his opinion, that if the whole of such pensions were done away, they would in any material degree contribute to relieve the public burthens: but when it was found that such grants were taken by persons connected with the higher classes, the circumstance would tend greatly to excite and continue that distrust of public men, which had unfortunately risen to a greater height of late than ever in this country.—There was another circumstance too more immediately connected with their proceedings, which was likewise an object of regret in the present situation of the country; he meant that practice of personal crimination and recrimination which had too often lately disgraced their proceedings in that House. The chair, he was convinced, had never been more ably filled, nor its duties performed with more dignity and satisfaction than by the present Speaker: yet he must observe, that a great laxity of order and decency had crept in of late which brought public men into discredit. Though he was persuaded that there was much integrity and talents on both sides of the House, he must be allowed to say, that the personal altercations, to which he had alluded, had a direct tendency to lower them in the public estimation. His most anxious—his only wish was, that the House should be rendered respectable, and though he certainly thought every item of saving of importance, yet it was not according to any view he could take of the subject by subordinate retrenchments, but by the reduction of the great establishments, that the country was to be saved. Whenever peace may come it would be a serious question how far such reduction could be effected; but the difficulties attending that question were only to be removed by a strong, firm, and efficient administration, combining all the weight, ability, and talents in the House. For the propriety of forming such an administration, he could appeal to the House whether they thought it could, under any circumstances of difficulty, be driven from its bias to the public interest, by any minor considerations. Such an administration, however, he must say, could not be formed from either side of the House. It was the duty of all the members of that House to attend to this great subject; and of all those who had high characters in that House, and great weight as well as stake in the country, to unite for that important purpose. If such a body should declare themselves, the country would soon rally round them: and then their privileges would be cheerfully acquiesced in as privileges given solely because exclusively exercised for the interest of the people. The bill he had the honour to bring forward last year, though abused by some, and ridiculed by others, had yet, he trusted, produced some good, and would lead to that gradual and temperate reform which was the most difficult to be accomplished. Of the right hon. the Chancellor of the Exchequer he was always disposed to speak handsomely; but he could not look upon him as possessed of force and vigour enough for the administration of public affairs in times like these. The hopes of the country, he should repeat, depended altogether upon a combination of all the talents and respectability in that House. Having stated thus much upon the general situation of the country, he should revert to the question before the House; and on this he should only say that he would vote for the liberation of Gale Jones, conceiving that such a measure would not compromise the honour, the dignity, or the character of that House.

Sir *T. Turton* was of opinion, that the individual, to whom the motion referred, had already suffered punishment enough. If he had, then, he would ask whether it was consistent with their dignity not to put an end to the punishment? The offence for which he had been imprisoned had existed for several years, and might have been borne either by the House collectively or any individual member. These debating societies had been held for several years without having been taken notice of; and gentlemen might recollect to have seen the names of Mr. Pitt and Mr. Fox, men great in mind, eminent in station, and great in character, placarded in the same manner as in the instance which had been recently complained of. He had no doubt that the placard was a libel; but he thought that it was unworthy of the hon. member to notice it. But when it had been brought under the observation of the House, it must have been punished, though not severely. When Jones had expressed contrition for his offence at the bar, it was his opinion that it would have been most consistent with the dignity of the House to have discharged him. As a difference of opinion prevailed upon the subject, both in and out of the House, it would have well become that House not to appear to punish the offence vindictively. As to what had been said of the propriety of requiring G. Jones to petition, he must observe, that it was scarcely to be expected that a man, convinced that he was right, could be brought to acknowledge himself wrong. When he had last year moved for the release of general Clavering, he was told that his application would be fruitless, unless general Clavering should, by petition, acknowledge his error, and submit himself to the mercy of the House. But general Clavering would have submitted to rot in prison rather than admit what he was convinced he was incapable of, that he had been guilty of prevarication. Then it was said that it was enough that the person should say he was sorry for having incurred the displeasure of the House. But could any one suppose that he was not sorry for it? As to the obstinacy that was imputed to him, would not persecution or prosecution be likely to make any man obstinate? But by keeping Mr. Gale Jones in confinement, would he be likely to come out either a better subject or with fewer partizans? This was a case in which they ought to make a precedent, if they had none to go by. Why keep the man in prison? Was there any thing in the temper of the times to induce the House to that course? He could wish that the learned gentleman had not brought forward this question at this time. Though he thought that they should not act under the apprehension of being thought afraid: yet he would rather be suspected of fear than convicted of injustice. He should, therefore, feel it his duty to perform an act of justice to the individual, by voting for the motion of the hon. and learned member who had so ably and eloquently recommended it to the House.

The *Master of the Rolls* then rose to submit to the consideration of the House the impressions he felt upon this important subject, and stated, that according to his view of the motion under consideration, it might be reduced to two questions; first, whether the individual had suffered sufficient punishment; and 2dly, whether, such being the case, he ought to be discharged? He could wish, that he had been better acquainted with the practice of the House, in such cases; whether it was founded on established law or on usage; and again, if upon usage, whether that usage had been unbroken from time immemorial. He should always be against breaking in upon long continued usage, because the presumption in such a case would be, that it had been founded on wise and convenient grounds; and he should, therefore, be inclined to abide by the usage long established where it did not lead to palpable injustice. If this usage were, as he must presume it to be, such, that the party offending was not to be discharged until he should petition and acknowledge his offence, it would, he owned, lead to consequences to the full extent of which he would be unwilling to follow it. He agreed that a man must be taken for guilty, when the House has declared his guilt by a vote: but then the individual may not think his act an offence, and in that case it would be cruel to insist upon his admitting or acknowledging it to be an offence. But the right hon. gent. (Mr. Ryder) seemed to think that such acknowledgement of the offence was not necessary. Upon this point, he should wish to put a question to some competent authority; and to none more competent could he apply than to the right hon. member in the chair. The question was, whether the established practice was as had been described; but though the answer might influence his argument, if it were not regular, he should not press the question, but assume the affirmative, and reason upon that assumption.—First, then, the reason why the practice of petitioning had grown into use was plain and obvious. The commitments by the House were for an indefinite time; and as the prisoner could have no knowledge of the time for which he was committed, he was usually led to petition early, in the hope that it might lead to his discharge. Into his petition, therefore, it would be natural for him to throw all the circumstances and sentiments which might be likely to induce the House to comply with his application. Thus it was, that the practice of petitioning might have arisen, and thus too the parties might, by petitioning, have usually obtained their discharge sooner than they otherwise would. The House, shewing itself indulgent to those who thus respectfully petitioned, generally released them in three or four days after their commitment, unless in cases of an aggravated nature, which may have led to the practice of requiring petitions to be presented. —For himself, he was extremely loth to break in upon long established usages; but he was not prepared to follow this usage to its full extent or into all its consequences. The effect of such an usage as this would be, that different persons might be committed for the same or similar offences, at different periods of the session, and, in consequence of this usage, be subjected to very unequal degrees of punishment. Mr. Gale Jones might for his offence, be committed at the commencement of the session, and not being disposed to petition, might be confined for six or seven months, whilst another committed for the same offence may be confined only three or four days. Jones persists in not petitioning, and continues the whole of the session in confinement: the other submits, acknowledging his offence, and is discharged in three or four days. If a question were to be put to him after any given time of confinement, whether the prisoner had been sufficiently punished, he might answer in the affirmative, according to his idea of the proportion between the offence and punishment. But if asked why he should not be discharged, he should be at a loss to answer, according to any principles of jurisprudence known to him. The continuance of the confinement after sufficient punishment, was a punishment for an offence, of which the House had not declared him guilty, upon which they had passed no vote; it would be a punishment, not for what he had done, but for what he had abstained from doing. According to any principles of jurisprudence with which he was acquainted, this would be a strange system of punishment. What difference could it make to that House if Mr. G. Jones were to acknowledge the offence? Would it be any satisfaction to their privileges, or any addition to their dignity, if he were to make a false acknowledgment to that effect? Under the present circumstances, it must be obvious to the House, that in such an acknowledgement the party would not act voluntarily; and that if he were even to submit, it would only be, that he might not suffer three or four months longer imprisonment. But, would the House thereby gain any security for its privileges—would they acquire any accession to their dignity? Could they be assured that Gale Jones would not again offend in the same manner? If he were however, to offend again, could they not commit him in the same manner as if he had acknowledged his offence in this instance: He knew of no analogy by which this right claimed to make a man confess his offence could be justified.—His opinion of the original object and natural effect of petitioning was, that the party imprisoned might obtain his discharge somewhat the earlier. But he could not perceive why the abstaining from presenting a petition should on the other hand have the effect of lengthening the duration of his confinement. Putting the case in that way, the motive for petitioning, as well as for abstaining from petitioning, would be obvious. The person who presented a petition was generally liberated; but he who did not petition was suffered to remain in confinement. This was the reason why the preferring petitions became the practice, because there was scarcely any instances, in which the party committed did not present a petition, except in those cases, in which pride or conviction prevented the adoption of such a course.—Upon these grounds it was, that he was clearly of opinion that John Gale Jones ought to be discharged, if the House should be of opinion that he had suffered sufficient punishment. If he were to be asked what extent of imprisonment he should consider a sufficient punishment for the offence committed, he should say one month, or six weeks; but could not by any means extend it beyond two months. Considering therefore, the length of this person's confinement as compared with his offence, he should vote for his discharge. He agreed perfectly with the hon. baronet who spoke last, that they should not entertain any fear of being thought afraid of what might be thought of their motives. But he would not consent to do an act of injustice, in order that he might not be supposed to be afraid. Such a feeling he did not entertain. He should take the same course on any other occasion. He had not paid any attention to this subject before the present case had been brought forward. When he did turn his attention to it, he very quickly arrived at the conclusion which his hon. and learned friend had come to, and as he was convinced that the man had been sufficiently punished, he should therefore feel himself bound to vote for his discharge.

The *Speaker* rose and said, that he did not know whether it might not be the pleasure of the House that he should give an answer to the questions which had been put to him in the course of the discussion, and particularly by the right hon. gent. who had just sat down. He was prepared to state to the House what he had gathered from the Journals, as to the practice of parliament on this subject. The course was different on commitments to the custody of the serjeant, and on commitments to his Majesty's jails. In the instance of commitments to the serjeant, which were but temporary, the practice was both ways. The party obtained his release by petition often, and often by statement made in his favour, as in case of a commitment of a witness by a Committee, when the Committee reported that the witness comported or demeaned himself properly. The House would recollect the case of Mr. Alcock, who presented a petition on being ordered to the bar, and yet was committed to the custody of the serjeant; though discharged in the course of the same night. The last case of that description was that of Mr. Stuart the printer, who was committed to the custody of the serjeant, and afterwards discharged upon petition. The practice on commitments to his Majesty's jails was different. He might venture to say, that in such cases the practice, if not universal, was general, not to release from such commitment, but upon petition. For this however, he could find no rule; it rested altogether on practice; and that, with the qualifications he had mentioned, was steady and uniform. As to the different forms of petitions, that must have arisen from the different and various circumstances which each petitioner might wish to bring under the consideration of the House. In general, the party acknowledged that he had offended against the privileges of that House, and expressed sorrow for that offence. He had thus stated what he had been able to collect from the Journals, and which he felt it his duty to communicate to the House.

The *Chancellor of the Exchequer* observed, that, as the Speaker had stated that every person committed to a jail, according to the practice of the House, was required to petition, before he could be discharged, it would not be necessary for him to say much upon this subject. The question was not whether a petition presented was insufficient, but whether the circumstances of the time or the character of the occasion were such as to induce the House to depart for the first time from its ancient, uniform and established practice. He could see nothing in either to call for such an abandonment of the practice of parliament. His hon. and learned friend had he must allow reasoned eloquently against the severity of calling upon a man to recant heretical, or theoretical opinions, which he may have entertained against the constitution. Against all such arguments the only answer was, that he was not to be called upon to abjure any such opinions. But having been voted guilty of a breach of the privileges of that House, he saw no reason why he should not do that which he had already done. (Hear, hear!) The hon. gent. seemed to think that Gale Jones had done enough in his former acknowledgment. But why should he now refuse to do what he had before done at the bar, when it was requisite according to the practice of the House, that he should present a petition to that effect to entitle him to be discharged? This single circumstance was in itself amply sufficient to get rid of all the argument of his hon. and learned friend opposite. It would appear, that he was not in being required to prefer a petition, called upon to recant any opinions, by a reference to the minutes of what passed when he was at the bar. From these, it would be seen that he admitted, "In this instance I have erred; and I throw myself upon the mercy of this assembly." Was it not clear then from this, that he was not to be called on to recant any opinions he had previously held? It was his own contumacy, therefore, in refusing to do by petition, what he had already done orally, that prevented him from being discharged. But it had been asked, why not discharge him upon their own sense of justice? To this he would answer, that the justice of such cases was always governed by the presenting a petition. Refusing therefore to petition, he was not entitled to be discharged. It was absolutely necessary for the House to abide by its forms, and that without suffering themselves to be bewildered with reasoning upon abstract propositions. As to questions raised with respect to the inequality of punishment in the exercise of this power of the House, he would admit, that the House had many infirmities in its constitution as to the power of inflicting punishments. If Jones had any severity to complain of, he brought it upon himself. He had reason to believe, notwithstanding what had been stated by the noble lord opposite to the contrary, that his right hon. friend was correct in stating, that Gale Jones had applied to a member to present a petition for him. The fact he had from more quarters than one, and from persons to whom it had been communicated by the honourable member himself. In the case of general Clavering last year, the hon. bart. (sir T. Turton) would not even be heard without a petition. The case of Drake, too, which had been referred to, happened in a good time, as the gentlemen opposite sat then at the side of the House, from which he spoke; and yet the uniform practice of the House had in that instance been adhered to. In these two recent cases, the House had shewn more severity than towards Gale Jones; who was not called upon to admit the falsehood of what he had stated before, but merely to say that by petition which he had already said at the bar of the House. Was there any thing in his case that called for such departure from their usages? Was there any thing in the period that required them to descend from their dignity? Was this a time, that they were to diminish those privileges which were essential to their existence? He agreed that they should not be actuated by any fear of being thought afraid to do their duty; but strong as he felt that sentiment, he should not be influenced by it to do an act of injustice. He was of opinion therefore that Gale Jones should be made to submit to the practice of parliament. This he was convinced the case required; and as no circumstances had been shewn to induce the House to depart from its established usage, he should feel bound to vote against the motion.

Sir *T. Turton* in explanation stated that he had presented no petition from general Clavering, whom nothing could have tempted to acknowledge, that he had prevaricated, when conscious that he was wholly incapable of such conduct.

Mr. *Whitbread*, if the explanation of the hon. bart. had not anticipated him, had intended to set the right hon. gent. right as to the allusion he had made to the case of general Clavering. No petition whatever had been presented to the House from general Clavering, and therefore so far as the reasoning of the right hon. gent. rested upon that case, it must fall to the ground. The object of the hon. bart. on that occasion was to induce the House to expunge the whole of the proceedings against general Clavering from its Journals, and thus to do away the foundation of the commitment altogether. He was of opinion that the right hon. gent. in the course of his argument, had done great injustice to Gale Jones. By comparing his commitment to the cases of persons committed for falsehood or prevarication, the right hon. gent. had done much injury to the person whose case was now under consideration. He was glad however to find the right hon. gent. opposite admitting that the submission of Mr. Gale Jones at the bar was sufficiently ample; because when he had stated that upon a former occasion these right hon. gentlemen had denied the fact. Now, however, the right hon. gent. opposite acknowledged that the submission was such at that time as to satisfy him, if only renewed in a petition. The right honourable gentleman had made but a partial quotation from the minutes, because if he had quoted the whole passage, it would give a different appearance to the feeling that produced it. The passage should begin, "On reviewing the paper, however, I acknowledge my error, &c." The House of Commons, therefore, he did think, had treated Gale Jones with great cruelty, in committing him for such an offence after he had thrown himself upon their mercy.—But the right hon. gent. had argued with an air of triumph, that as he now refused to acknowledge by petition what he had previously admitted, it was therefore owing to his own contumacy that he was not discharged. What could the House know of Mr. Jones, or he of the House of Commons, that after having admitted his error and thrown himself upon its mercy, it should be expected that he should a second time acknowledge his offence? Was it not enough that he had once made the acknowledgment? No! said the right honourable gentleman, in the true spirit of his intolerance—no! we must have him again do that which he has done before; we shall have him again at the bar, and make him shew that he has not changed his opinion. But, supposing him to have changed his opinion, supposing that others too have changed their opinion upon the subject, why should they compel him to say that what he thought true yesterday, he continues to think true this day? He was aware that the right honourable gentleman was stedfastly fixed in his religious opinions, and that he might perhaps be disposed to call upon the House to believe all they had been taught when they were children. But, said the right hon. gent. he is not to be called on to retract any theoretical opinion. If he had changed his opinion upon the subject of that paper, which he had before admitted to be an offence or error on his part, would it not be to call upon him to do violence to his conviction, to oblige him to acknowledge what he did not now believe? The right hon. gent. must be aware that there had been such an event as the reformation. Suppose a man to have lived before the reformation, and for disbelieving transubstantiation to have been brought before the persecuting inquisition. Suppose him before that terrible tribunal to admit that he believed the article, and notwithstanding to be sent to prison, where, meeting with books to enlighten him, he discovers the error into which he had fallen, and reverts into his former opinion, would it be no retractation of his opinion for him to be obliged to admit the doctrine of transubstantiation? But the right hon. gent. if he did not acknowledge what he had before admitted, would apply to him the torture of the mind. Might not the man properly avow he would rather rot in prison than submit to such a recantation? than be driven to admit that to be true, which he knew to be false? This would be Jones's case, if he had conscientiously changed his opinion since he had been at the bar of that House. But the right hon. gent. would have his confinement continued to the end of the session, if he did not petition, and that too at a time when he was remarking upon the infirmities of the House of Commons respecting the infliction of punishments. That right hon. gent. was the first man who, in a British House of Commons, desired that it might have the power of imprisoning for a time certain. This was the first instance of such a doctrine being broached, since these questions had been canvassed by able and enlightened men. If he for one were to be in the situation of Jones and to petition, he would be a hypocrite.

The other right hon. gent. (Mr. Ryder) who had called the able speech of his honourable and learned friend, a collection of common places, had certainly exhibited in his own impressive, eloquent, illustrative, and conclusive speech a most striking contrast to the common places he described! But it had been said, that, in all such cases as that of Jones, the House was bound to decide for itself. That he denied. It had not done so in the case of Stockdale and of Reeves, in both of which the attorney-general was ordered to prosecute. The right hon. gent. (Mr. Ryder) therefore had mistaken and mis-stated the practice of the House. In all his arguments, the right hon. gent. confounded the commitment of Gale Jones with commitments to which it bore no resemblance. Why should it be confounded with the cases of Drake, of Clavering, and of Sandon? Forbid it, justice! forbid it, fair dealing! forbid it, the spirit of toleration! Mr. Gale Jones had been punished for a thing, that, to the knowledge of every member in the House, had been practised every day for a considerable time past. As to the privileges of the House, he conceived they should be resorted to only in cases of necessity; and he saw no necessity for the House having exercised its power in the case of Mr. Jones. He happened not to be in the House at the time the vote passed for his committal, and he was now happy that he had in no degree made himself a party to that vote. If, however, he had happened to be present at the time the question respecting the commitment of Jones was put to the vote, he should have rather voted to have it referred to a jury. It was preposterous to maintain, as the right hon. gent. who spoke last asserted, that ancient privileges should be tenaciously preserved; for how many of these privileges had been found untenable consistently with justice and the common sense of mankind? They all knew that manorial rights, for instance, had fallen to nothing. So ought the unnecessary privileges of that House to have been abated. All that was not necessary to be retained should be given up; and there was no privilege more odious in principle to the public, or at least more exceptionable in practice, than that under which Gale Jones was imprisoned. Therefore, every hour this man was detained in prison must increase the odium prevailing against the privilege, while it was an aggravation of the injustice and cruelty practised towards the individual. What, he would ask, could the House gain for even this privilege, or for any alleged claim to dignity, by imprisoning this man until the end of the session? Was it to be argued, that unless Mr. Jones acted the hypocrite, by acknowledging himself wrong, the House would not liberate him? It might be said that he would not act the hypocrite by stating in a petition, merely what he had said at the bar. But supposing he had changed his opinion since he had been at the bar, would the House punish him for that change by a prolonged imprisonment? If change of opinion were a penal thing, he felt that he (Mr. W.) would not himself be exempt from penalty; for his opinion was directly the reverse of what it had been when first this case was brought before the House. In fact, a change of opinion, when sincere, when the result of an honest conviction, could in no instance be justly the subject of punishment or censure. But to return to the privilege under consideration, it was to be recollected, that this privilege would not be surrendered by the adoption of the motion, and that recollection must obviate many of the objections urged against it. For if Jones should be liberated to-morrow, and should attempt to violate the privileges contended for, he might be re-committed under the sanction of the same privilege, to prison upon the next day. The House then having this power, what reason could be advanced for resisting this motion? certainly none upon the ground of an adherence to privilege, because not a doubt as to that privilege would be expressed or implied by the passing of this motion. As to the recommendation of his hon. friend (Mr. Curwen), that an union should take place between the ministers and those by whom they were generally opposed, he must observe, that he could not see that any good would result from such an union. Indeed, he should rather apprehend the contrary. For according to the old adage, if new wine were put into old bottles it would spoil, but if new wine were put into new bottles it would be preserved.

Mr. *Windham*, considering what was to take place to-morrow (the Meeting of the Westminster Electors), deprecated the idea of agreeing to the motion for liberating Jones. For that would be, on the vigil of their saint, giving up Barabbas to the people, who would not be imposed upon by the gift; who would not ascribe it to moderation or justice, but to fear. Was the House, then, disposed to shew that fear, or should they not rather, to repeat words already used in the course of the debate, be afraid to betray any such fear. Recurring to the cause from which this discussion originally sprung, the right hon. gent. expressed his unqualified approbation of the conduct of Mr. Yorke, notwithstanding all the consequences which followed, and his resolution to resist any such concession as this motion had in view, particularly at the present moment.

Mr. *Canning* observed, that he was not the master of the time, at which the pending discussion had taken place; he had not sought for the agitation of it at the present moment; but as it had been brought forward, it was his duty to give his vote according to the best of his judgment. He was not one of those, who entertained the smallest doubt of the validity of the privileges of the House of Commons, or of the right and the power of exercising them. Those questions had already been deliberately and solemnly decided by the House; and, in that decision, his own individual opinion concurred. But the House were not by the motion under consideration asked to recant, either individually or in a body; they were not asked to give up the privileges themselves, or to call in doubt the propriety of their exercise in the present instance. The simple question before them was, whether the punishment which had been already dealt out to the individual who had incurred their displeasure, was adequate to his offence. No one being prepared to say that there was any precise or specific duration of punishment proportionate to the offence, and all being left to judge for themselves upon that question, he could not but think that the punishment which had been inflicted was not inadequate to the offence which had been committed. He allowed that he felt great repugnance in agitating the subject on that particular occasion. He could wish that it had been postponed at least for forty-eight hours. When, however, it was considered, that the agitation of the question was not the act of the party immediately concerned, but of another, it would appear that that was no ground for refusing to concur in the proposed motion. If he thought that the hon. and learned gent. had brought forward this question in consequence of a communication with the individual immediately concerned, he would be ready to agree with those who contended, that the choice of time ought to be conclusive against the motion; but any such communication he understood the hon. and learned gent. distinctly to disclaim.—There was in this case an alternative which called for the exercise of the soundest discretion of the House, ought the House to exhaust on the offence of Mr. Gale Jones the whole of the punishment which they were capable of inflicting on the most aggravated offence, or could that be considered a very severe punishment which must necessarily soon arrive at a termination. The distinction which he had taken the liberty of marking between the mode in which this motion was brought forward, and the mode in which it might have been brought forward—in the one case, with the concurrence of the prisoner, and in other without it, applied to another part of the argument, namely, the question of contumacy. If the application to the House were made without the concurrence of the prisoner, it could not, by any means, be contumacy in him not to have presented a petition, especially as he had immediately after the commission of his offence desired mercy, and as it might appear to him that the professions which were used in vain, to prevent the infliction of punishment, might be used in vain to shorten its duration. The question, however, having been brought forward, the House had to consider which was the most advantageous way of disposing of it. He was not one of those who thought it a matter of great congratulation that all these questions of privilege were brought to issue at the present time. He stated this as his sincere opinion, without imputing blame or even indiscretion to any man. The course of circumstances had produced what he did not conceive to be a very desirable conjuncture. That conjuncture had however arrived, and must be met. He should not be suspected of wishing to shrink from the consideration of any circumstance, either from any apprehension of a direct sort, or from the fear so well described by his hon. and learned friend near him, the fear of being supposed afraid. He confessed that although he thought it would be unfair to allow any extrinsic consideration to operate on the manner in which the House might deal with the individual whose case was under discussion, yet, that he should part with that individual with more reluctance, if he conceived that it would be imagined by any one that the question of privilege was thereby set at rest, or supposed to be done away. But, on the discussion relative to the conduct of the great offender who had since been justly and rightfully imprisoned under the warrant of the Speaker, it had been well argued that it was on the great offender, and not on the small alone that the House ought to feel disposed to assert its authority. In coincidence with that argument he was at liberty, without the hazard of any induction injurious to his sense, or the honour and dignity of the House, to contend, that the House might shew lenity to the minor offender, without the imputation of fear, because the question remained alive in the way which was thought the most formidable. For his part, he saw no more to fear in the agitation of the question than to wish; but it would still remain to be agitated, if the minor though original offender were set at liberty. It was no more necessary for the House to proceed to the discussion of their privileges with Mr. Gale Jones, in their power, than it was necessary for sir Francis Burdett to try the question which he disputed, by pushing his resistance to an extent, by which he forfeited not only the good opinion of those who best knew him, but also the favourable sentiments of many in that House, who were not of the number of his friends. Of the latter class he (Mr. Canning) was one; he had expressed his favourable sentiments of that individual, but the subsequent conduct of the hon. bart. induced him to recant them altogether. Under all the circumstances of the case, not thinking that the absence of a petition was a proof of contumacy on the part of the prisoner, and conceiving that the punishment which he had already sustained was commensurate to his offence, he was inclined to vote for his release; feeling that by so doing he should not in the smallest degree impugn a single privilege of the House.

The *Solicitor General* contended against the release of Mr. Jones, without his presenting a petition in the usual form. He could not perceive any reason for excepting this case from the general rule. He did not see on what particular grounds it could be contended that Mr. Jones was entitled to more favour from the House than other persons who had been committed to prison by the House. He could not therefore agree with the hon. gent. that there was any necessity for Mr. Jones or any other petitioner, or that they were required to recant any particular opinion; it was only necessary that he should state generally his sorrow for having violated the privileges and incurred the displeasure of that House. Now he could not conceive what objection Mr. Jones could have, in point of conscience, to state that in writing, which he had already stated at the bar of the House. He believed that no man could deny that Mr. Jones had been guilty of a violation of the privileges of the House; and if it were impossible for him to doubt, that he had been guilty of that offence, what reasonable objection could he have to comply with what was required by the forms of the House, and say so in a petition? Such a confession would have nothing to do with the abstract question of the right of the House to commit, or the other questions which had recently been agitated. There were it appeared two remarkable cases which were directly in point. In the last session, the House had committed captain Sandon and general Clavering. The former had evidently been guilty of the grossest prevarication, which he confessed; and the latter had positively declared, and the declaration was believed by his friends and many members of the House, that he never did intend to prevaricate. Of this, however, every body was agreed, that the guilt of capt. Sandon, in concealing the note, and the many falsehoods he told respecting it, was greater than the offence of gen. Clavering. Nevertheless, capt. Sandon was liberated after a month's imprisonment, because he presented a petition; and gen. Clavering, because he presented no petition, was suffered to remain in prison till the end of the session, which was three months from the date of his imprisonment. These recent instances would shew that the House was accustomed to shew lenity to those, who asked it by petition in the usual forms.

Mr. *W. Smith* could not see that the dignity of the House absolutely required some petition, but that any petition of any kind would be sufficient to satisfy that dignity. He thought nothing could be more contrary to the real dignity of the House than to confine a person longer than the justice of the case required, merely on a point of form. He thought too that the hon. and learned gent. who had just sat down had chosen strange cases to support his argument. As to the imprisonment of general Clavering for three months, he believed there were very few who recollected the evidence he gave, that considered an imprisonment of three months as a punishment too great for his offence; and therefore it was not at all surprising that no member should have moved for his being discharged without a petition. The fact was, that it was the opinion and the advice of the friends of general Clavering, that it was more advisable for him to remain in prison during the session, than receive that sort of reprimand which he would have been liable to, if he had been discharged upon his petition. Captain Sandon had presented a petition, and was discharged after a month's imprisonment, upon receiving a reprimand. It could not however be said that he received more lenity than general Clavering, as the friends of the general thought it better that he should be some time longer in prison than be subject to such a reprimand. There was, however, a prodigious deal of difference between the guilt of general Clavering and that of Mr. Gale Jones. He believed that every one must allow that the offence of the latter by no means merited so severe a punishment as was due to that of general Clavering. He thought it would be an unworthy and disgraceful reason for continuing Mr. Jones in custody, that to-morrow a great meeting was expected in Westminster. Why should he be imprisoned in consideration of the probability of some other persons doing some other thing entirely unconnected with his offence? As to the question which would then probably be discussed, he must say, that he very much wished that the House had agreed to the reprimand instead of committing sir F. Burdett. If they had done so, many disagreeable consequences might have been avoided. At present, the minds of the people were, and must necessarily be in a state of suspence about the legality of the execution of the warrant, until the trial shall have taken place. All such considerations, however, were extraneous. The true question was, if the party offending had suffered a punishment adequate to the offence. Conceiving that to be the case, he should vote for the motion.

Sir *James Hall* said, that if the House declined doing that which was just in itself, because such an individual as Mr. Jones thought proper to act as he had acted, it was in fact putting themselves under the controul of that individual. He had heard that he gained his bread by speech-making. He was, it seemed, a sort of trading orator; to a person of that description the notoriety of his sufferings would more than compensate for the length of them. He, therefore, perhaps might not be at all anxious for enlargement, and continuing him in prison would be confining him not at the pleasure of the House, but at the pleasure of Mr. Gale Jones. He should, therefore, vote for his enlargement.

Mr. *Wilberforce* spoke in support of the motion. He did not think the cases of Clavering and Sandon in point. With respect to the latter, his acknowledgment was not so much an appeal to the justice as to the lenity of the House, and the appeal having been made, it succeeded in prevailing on the House to remit much of that punishment which otherwise it would have been justified in inflicting. But in the present case the punishment was universally allowed to be adequate to the offence, they ought not, therefore, thus to prolong that punishment beyond just limits.

Mr. *Wardle* said, that as at no distant day there would be an opportunity of ascertaining whether or not such a power did exist in that House, and as he still remained satisfied that no such power did belong of right to that House (Order!) as he still remained of that opinion, it was unnecessary for him to go at all into the merits of the question now before them. He should, therefore, reserve himself for that opportunity, which he believed not to be very distant, of stating fully the reasons which had satisfied him, that no such power existed in that House.

Mr. *Croker* objected to the motion, on the sole ground that it was in opposition to a long train of uninterrupted precedents founded on a principle never heretofore questioned. If any deviation from such an established usage could be admitted, he was ready to allow, that the present was a fit case; but when he recollected, that in the whole history of Parliament there was not a single instance of such a deviation, he could not think that this was the particular case, or this the particular time which should induce the House to depart from their long established customs.

Mr. *Bankes* observed, that the House were called upon to do no less than to depart from an uninterrupted line of precedents. At what time too were they so called upon? At a time when those privileges were questioned, which were essential to the constitution of the House of Commons, without which it could not exist; without which it could not resist the encroachments of the crown, or protect the privileges of the people. He had no disposition to press for a too severe punishment upon the offender; but what great thing was it that he was required to do? He was required merely to approach the House with that due humility which was proper for a person in his situation. What then was the peculiar merit of Mr. Gale Jones that the House should do that in his case which they had never done before? He could not conceive that under such circumstances it was unjust to refuse to liberate any one. The fault was the individual's own. Above all, he deprecated the success of the motion at such a moment as the present, and conjured the House not to accede to it.

Mr. *H. Addington* adverting to the able statement of the right hon. the Speaker, observed, that the generality of the cases adduced by that high authority, might probably differ from the case of Mr. Gale Jones. The individuals to whom these cases referred, had perhaps been committed to Newgate without having expressed any contrition for their offences. Now, as he understood (for he was not present) Mr. Gale Jones expressed his contrition at the bar in a most decent and becoming manner. It was not common to commit after the expression of such contrition. At the same time he would say, that had he been present he should have voted for the committal of Mr. Gale Jones, not as a punishment, but as an example to deter others from the commission of similar offences. Mr. Jones's *viva voce* contrition was a sort of petition that he might not be sent to Newgate at all, and might be considered as a petition virtually continuing to the House to release him at their pleasure. Thinking the punishment that Mr. Gale Jones had undergone sufficient, he should vote for his release.

Mr. *Owen* contended, that justice required that the House should regard their own privileges, and that Mr. Gale Jones ought to present a petition before they could agree to his release. It was not improbable that former parliaments considered the presenting a petition as a part of the punishment of the offender.

Mr. *C. W. Wynn* was the last man who would weaken the privileges or authority of the House, but the adoption of the present motion would not, in his opinion, endanger either. With respect to the case of gen. Clavering, which had been alluded to, he had abstained from moving the release of gen. Clavering, before the end of the session, because he conceived that it would be a lighter punishment to remain in prison a month longer than he might have done, than be brought to the bar of the House and receive a reprimand from the chair. He regretted the day that had been selected for this motion, but when he considered that if it were not adopted to-day, it could not in all probability be brought forward again for a fortnight; when he also considered that the punishment of Jones had been sufficient for his offence (which was one that he had no hesitation in declaring deserved punishment), he could not withhold his consent from it.

Mr. *Adam* said, that notwithstanding what had fallen from an hon. gent. on the floor (Mr. Bankes) he was yet inclined to doubt whether the rule requiring petition previous to enlargement was a rule invariably observed. He apprehended that there had been instances of liberations without petition, but this he would not take upon himself to assert positively. He said, he believed that what had been stated by the Speaker was as nearly correct as such a negative assertion, to be derived from such a mass of matter, could be; especially if it referred to the period from the restoration. But he believed that before the usurpation there might be instances of proceeding without petition or personal apology. There was no doubt, however, that such had been the usage, and then the question was, whether it was an usage amounting to a law? If it was an usage amounting to a law, then it brought down the right of commitment to a right of committing for contempt in the narrowest sense; contempt in the narrowest sense was mere obstruction: the security against the recurrence of which required that the person committed was bound to acknowledge his offence as a security against the repetition of it. To this mode of considering it he could not assent, because it was a limitation of the privilege totally inconsistent with his views of it; which, as he had formerly maintained, he considered to extend to contempts and breaches of privilege destroying the efficacy of their proceedings, by degrading their character and vilifying their conduct. Privilege then extending to libel on the House and its members, for their conduct therein, it followed that this large, and, as he contended, just view of the subject, should be accompanied with the power of mitigation by the voluntary and unsolicited discretion of the House. The exercise of that discretion must of course vary according to the circumstances of different cases, and did not question the right of the privilege itself, nor at all weaken it by such a variation; since the discussion was not upon the existence of the privilege, but upon the extent and degree to which it had been violated; and he thought that their not being tied down to a strict observance of the same uniform proceedings in all cases, rather strengthened than weakened their privileges, by confining the breach to the narrow ground of a mere contempt,—reducing it to physical obstructions merely. If the case now before them was not one of these cases of new obstruction, then the question was reduced to one of distributive justice, not tied up by a strict rule, but resting on discretion. Looking at it, therefore, in the light of a question of distributive justice, he had no hesitation to say, that the arguments of his right hon. and learned friend (the Master of the Rolls) were unanswerable. If then it did appear that justice was in favour of the motion, what was to deter that House from acting justly? He thought, for his part, that it would shew more courage to do their duty openly and in defiance of vulgar observation, than to be deterred from it by the fear of being thought to be afraid. They should therefore exercise their discretion, by shewing that they were not afraid to liberate Mr. Jones. He should suggest, however, to his learned friend, (sir Samuel Romilly) the propriety of substituting Wednesday in his resolution in place of Tuesday, on account of the popular meeting to be held on Tuesday in Westminster-Hall.

Sir *S. Romilly* readily acceded to the suggestion of his learned friend (Mr. Adam) and varied the wording of his Resolution accordingly. He could not as easily accede to the suggestion of a right hon. gent. respecting the inserting in the Resolution a requisition of that submission from Mr. Jones, which he (sir S.) had frankly declared, the House, in his humble judgment had not any right to exact. He thought it necessary, however, to read from the Journals what was there recorded respecting that submission. It there appeared, that Mr. Jones had, when called to the bar, expressed his sorrow for having erred therein. He did not rise to add any thing to the strong arguments brought forward in support of his motion, but to observe upon one or two indirect insinuations which had been thrown out against his motives in bringing forward this motion. It had been said, in allusion to the Westminster meeting, that was to take place to-morrow, that the opportunity of bringing forward his motion had been anxiously wished for or eagerly caught at by him. If any man thought that he could be so influenced in that or any other proceeding, to that man he would not condescend to justify himself. He could not have foreseen, when he had early given notice of this motion, that it would not have come on till then. Neither could he, with propriety, have consented to postpone it till after the recess, as that would be delaying for three weeks from the time first fixed upon for the enlargement of the person, in case the House should then agree in his motion. This was no trifling consideration to a man, in such ill health, as he understood Mr. Jones to be. Another consideration in favour of bringing on this discussion rather before than after the meeting at Westminster was, that he could not be certain that there might not be resolutions of a strong character, proposed at that meeting, to which he (Mr. Jones) was not at all instrumental. He might yet suffer in consequence of the nature of such resolutions, making it rather a delicate matter to submit that proposition to the House.—Sir Samuel then proceeded to argue briefly that there was no invariable rule requiring a petition on the part of the prisoner, since the warrant stated simply "during pleasure;" whereas, was that the rule, it ought to contain also the words "and until the said prisoner has submitted to the House." Another thing that shewed the usage not so general was, that different gentlemen did not agree among each other as to the forms of the practice—as whether the petition should simply express sorrow; or also confess guilt, and acknowledge the justice of the punishment. One right hon. gent. had denied that the punishment was sufficiently severe. This was a part of the cause not to be argued upon—it was matter of feeling. He had also been charged with sophism, and a blow had been given by anticipation to bills now pending, and in the success of which he acknowledged he felt a lively interest. The principle on which they had been founded was said to be a sophism, but he felt consoled by the assurance that whatever were their merits the House would not prejudge them. But it had been said that the punishment for contumacy was a punishment for an offence in addition to the first, and that it was in Mr. Jones's power to terminate that punishment.—There was a law once very prevalent in different parts of the continent, and he believed now existing in some countries, that no malefactor condemned for a capital offence should be executed before he had confessed his crime, and this confession was extorted by the torture of the rack. The cases of Clavering and Sandon had been much relied upon, but they really appeared as cases that ought to have been cited in order to shew the injustice of such a rule.—Sandon was committed for prevarication of a very gross and wanton nature—the other was committed for prevarication by no means so aggravated. Sandon sent in an abject petition, acknowledging his guilt, and was forthwith discharged; the other continued a prisoner the whole of the sessions, rather than say that he was conscious of prevarication. He might indeed plead confusion of understanding, and so far comparatively redeem his character. It had been said, that the punishment was, after all, limited, as he must be enlarged at the end of the sessions; but this meant rather that their power was limited, not the punishment, for the King was not bound to prorogue a Parliament, and thus the liberty of the subject was transferred to the power of the crown, and was that a state in which the criminal jurisdiction of that House ought to remain? He concluded by a solemn declaration, that if he were in the situation of Mr. John Gale Jones, he would sacrifice his liberty, highly as he valued it, before he would consent to purchase it by a pitiful retractation of his real sentiments, compromising his character, and violating his integrity.

The House then divided on the motion, for the enlargement of Mr. Gale Jones. Ayes 112—Noes 160—Majority 48.

[Breach of Privilege.] Mr. *Wallace* wished to state to the House a fact which had just come to his knowledge since he complained to the House respecting the misrepresentation of a speech of an hon. bart. Subsequent to the publication of the speech of the hon. baronet opposite, he understood an apology had been sent highly creditable to the editor of the paper in which it appeared.

Sir *J. Anstruther* wished it to be understood, that he had not caused in any way the subject to be brought forward. He did not know that it was the intention of the hon. gent. to take up the subject, or he would have desired him to give up his design, and let it alone. He first knew of the offence from the receipt of the apology.

Mr. *Wallace* confirmed the statement of the right hon. baronet, as to his being wholly unacquainted with his intentions.—[Here the conversation ended.]

HOUSE OF LORDS.

Tuesday, April 17.

[Cruelty to Animals' Bill.—Lord *Erskine* presented a Bill for the more effectually preventing malicious and wanton cruelty to animals, which he observed was the same as the bill which was before the House last session, when it was sent to the other House, with the addition of a clause which he had framed in order to obviate an objection made to the former bill, that a man might be liable, at the caprice of a magistrate, to all the punishments imposed by the Bill, for a mere act of sudden passion. This objection had no foundation whatever in law, but in order to prevent any obstacle to the progress of the bill arising from it, he had framed a clause, enacting that malicious and wanton cruelty should be expressly charged in the indictment on information, and which must be of course proved before the party could be convicted.—The bill was read a first time and ordered to be printed.

HOUSE OF COMMONS.

Tuesday, April 17.

[Westminster Petition for the Re-

LEASE OF SIR F. BURDETT.] Lord *Cochrane* presented a Petition from a Meeting of the Electors of Westminster, held this day in Palace-yard.—The Petition was read by the clerk, of which the following is a copy:—

"To the Honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.

"The Petition and Remonstrance of the Inhabitant Householders, Electors of the City and Liberties of Westminster, assembled in New-Palace-Yard, the 17th of April, 1810, by the appointment of Arthur Morris, esq. the high bailiff, in pursuance of a requisition for that purpose.

"We, the inhabitant householders, electors of the city and liberties of Westminster, feel most sensibly the indignity offered to this city, in the person of our beloved representative, whose Letter to us has fallen under the censure of your honourable House, but which, so far from deserving that censure, ought, in our opinion, to have led your honourable House to reconsider the subject, which he had so ably, legally, and constitutionally discussed.

"We are convinced that no one ought to be prosecutor and juror, judge and executioner, in his own cause, much less to assume, accumulate, and exercise all these offices, in his own person.

"We are also convinced that the refusal of your honourable House to inquire into the conduct of lord Castlereagh and Mr. Perceval, (then two of his Majesty's ministers) when distinctly charged with the sale of a seat in your honourable House, evidence of which was offered at the bar, by a member of your honourable House; and the avowal in your honourable House, "that such practices were as notorious as the sun at noon day;" practices, at the bare mention of which the Speaker of your honourable House declared "that our ancestors would have started with indignation," and the committal of sir Francis Burdett to prison, enforced by military power; are circumstances which render evident the imperious necessity of an immediate Reform in the Representation of the people.

"We, therefore most earnestly call upon your honourable House to restore to us our Representative, and, according to the notice he has given, to take the state of the representation of the people into your serious consideration; a reform in which, is, in our opinion, the only means of preserving the country from military despotism."

Lord *Cochrane* then moved, "That the Petition should lie on the table."

The Hon. *J. W. Ward* opposed the motion. He conceived, that if the House should accede to such a proposition, it would submit to the grossest violation of its dignity. He hoped that the House would evince its repugnance to any attack upon its privileges, and unanimously reject this petition.

Mr. *Creevey* could not see any objection to the Petition being laid on the table.

Mr. *Curwen* considered the language of the petition highly indecent; and suggested to the noble lord the propriety of withdrawing it, for the purpose of preparing and presenting one of a more decorous kind, if the object of the petitioners really was to promote the cause of reform. He hoped the House would give the noble lord this opportunity, if he chose to avail himself of it.

Mr. *Lushington* adverted to the petition of Mr. Horne Tooke, stating that seats were sold in that House like stalls for cattle in a market. This petition was received, because it related to an election, though the style of it was thought highly offensive.—But that petition, it was to be observed, was not entitled A Remonstrance.

Mr. *Whitbread* wished the petition to be read again.

It was read again accordingly.

Mr. *Whitbread* was sorry that he must differ from the opinion of his two friends near him, and wished that the Chancellor of the Exchequer had expressed his opinion, whether or not he thought the petition should be received. He should have been better pleased if the terms of the petition had been a little more softened; but if the House rejected it, such as it was, it would do one of the most violent things that a House of Commons had ever done. The meeting from which it came had been legally constituted, every thing had been conducted in the most orderly manner as he was informed, and the petition was signed by the high bailiff. The word "remonstrance," in the title, had been objected to. Whether there were precedents of petitions with the addition of that word, he did not know; but it was well known, that whenever a grievance was complained of, a remonstrance was, in fact, made, and the word was often used in petitions and addresses to the crown. So that it could not be said, that the word was inconsistent with the dignity of the House. The petitioners unquestionably spoke of the indignity offered to the city of Westminster in the person of their representative. This, however, did not necessarily refer to the conduct of the House, but to that of its officers, and those with whom they consulted. They remonstrated against the violence that had been offered to their representative, and affirmed that he had ably and constitutionally argued the question of the right of the House to imprison. They certainly had a right to express their opinion upon this matter: he himself had in that House contended that sir F. Burdett had done nothing illegal in the course of that Argument. He would, if called upon, give the same opinion out of the House; and this, he apprehended, could not reasonably be construed into any disrespect to the House.—As to the reference to the charge against lord Castlereagh and Mr. Perceval, for trafficking in seats in that House, this was regularly brought to their notice by the votes and journals of the House. They had a right to express their opinion upon that transaction, and the opinion they had expressed was not different from his and that of many others. They had also adverted to expressions which had fallen from members in that House, which, perhaps, might be somewhat irregular, as they could hardly have got at them through any privileged channel. But surely it could not well be deemed an impropriety to refer to the words which had fallen from the Speaker—words which had come so fully and accurately before the public, and which had been received with so much satisfaction.—They then prayed for the release of their representative. They questioned the right of the House, to imprison in cases of libel, where the defendant had not the means of repelling the charge afforded by the ordinary legal forms. It was not for him to enter into that point then; but upon it many differed from the decision of the House, and the petitioners had a right to give their opinion. The effect of the warrant, too, was a subject upon which they had a fair right to express an opinion. Was it surprising that they should wish for a reform of the House of Commons, and should be anxious for the release of its ablest champion: They had not charged the House with the indignity offered to the city of Westminster by his seizure. They rather seemed to attribute it to the Serjeant at Arms and his advisers, who had evinced a disposition to support themselves with the military instead of the civil power, and he knew that the civil power had not been called out till the military went out along with it.—As to the petition of Mr. Horne Tooke, stating that seats were sold in that House like stalls for cattle in a market, that petition had been laid upon the table, and properly. Why? the allegation was true. Seats in that House had been sold like stalls for cattle in a market. If the House thought its dignity wounded by being charged with the practice, why not put an end to it? How could the House reasonably call it an insult to be told of the traffic in seats by Mr. Perceval and lord Castlereagh, unless it could justly aver that the charge was unfounded? We loved the treason, it appeared, though we could not bear to be called traitors. Look, said Mr. Whitbread, at the former petitions presented on this very subject of reform. You will find that previous questions had been moved upon them; but when was it refused to lay them on the table? I adverted on a former occasion to a magnificent expression of your's (the Speaker) "That the doors of that House were always wide open to petitions."—But if this petition be rejected without even allowing it to be laid on the table, I doubt it will be hereafter said, that the doors of the House are closed against petitions.—The composition of the petition was perhaps liable to some objection; but he did not think that this was to be examined so very closely in cases of petition. However sorry he was to differ from his two friends behind him, he should consider himself as having done a great injury to the subjects of this country, if he were not to vote with the noble lord for laying the petition on the table. He hoped his hon. friend (Mr. Brand) would not neglect to take up that part of it which related to a reform of the House, because the country not only desired it, but the House had need of it.

The *Chancellor of the Exchequer* entered fully into the feelings of the hon. gentlemen who objected to the laying this petition on the table. Yet in a case of petition, he would rather err on the side of indulgence than on the side of severity, if the question could at all admit of a doubt. They had on the journals strong instances of forbearance with respect to petitions. For instance, the language of the petition of Mr. Horne Tooke had been generally reprobated, but still the House had shewn a disposition to overlook the language, and to regard the substance and object of the petition. This had been the principle upon which the House had acted. At the first reading of the petition, the word "indignity" had sounded rather harsh in his ears; and if one were disposed to be captious or even very strict, the expressions, that the House had better not have censured the hon. baronet, but ought to reverse its decision, might very justifiably be made a ground of objection to the petition.—But still it could not be denied that they had a right to petition that House to reconsider its decision. They had the right also to petition for reform, and in petitions of this kind the House had usually exercised a great deal of forbearance. Whether he was right or wrong in the opinion, that the petition ought to be laid on the table, he trusted there had been nothing in his conduct throughout, that could afford room for suspicion, that, if he had thought the petitions ought to be Rejected, he would have hesitated to have said so. But upon the principle on which the House appeared uniformly to have acted, it would rather be disposed to excuse even some intemperance of language in such petitions. As to the word Remonstrance in the title, he was almost ashamed to declare, that he did not know whether there were any precedents in point. He, however, rather imagined there were. But at any rate the word remonstrance was often used in petitions to the crown, and was always in substance contained in petitions complaining of grievances. If the House, however, should think, that this petition was intended merely as a vehicle of abuse, it ought undoubtedly to reject it: but if there were reasonable ground to doubt of its having been so intended, then by the principle, which had usually governed the House, the petition ought in his opinion to be allowed to lie on the table.

Mr. *Ponsonby* had read the Petition over three times, and from all the consideration he had been able to give it, he did not think it contained any matter that ought to cause its rejection; if there were any thing in the wording of it, let the House hear the complaint on that subject, but do not let it, from any impropriety of this kind, interfere with the right of petitioning of the subject, so essential to them, and so necessary to enable the House to protect them. The right hon. gent. then proceeded to read the petition, paragraph by paragraph, and, by his comments to shew, that the opinion he had given on the subject-matter, was correct. As for the language, in some parts, he did not think it was what it ought to be, but still that was not a sufficient ground for rejecting the petition. Indeed it appeared to him impossible, that a petition against any proceeding of that House, could be so framed, as not to afford a handle to some one to oppose its reception, could that be thought a sufficient ground.

Mr. *Canning* observed that, whilst his feelings were with the hon. gentlemen opposite, who opposed this petition, his reason and judgment were with his right hon. friend, (the Chancellor of the Exchequer) who was for receiving it. Upon the right however of the subject to petition, and in the opinions held by almost every one of the speakers who preceded him, that they ought to look more to the object than be scrupulous in examining the language of this petition, he pretty nearly concurred. As for the present petition, it was evidently framed so near the law, as to give an opportunity to those who preferred it, were it to be rejected, to come again before the House, with another and another, varying perhaps in minutiæ, but still so contrived as in the end to involve them in an intricate and unprofitable contest. The part of it which in his mind appeared to have most offence in it, was that in which they seemed to accuse the House of offering an indignity to a great body of the people.

Mr. *W. Smith* concurred in these sentiments, and congratulated the House on its return to moderation. He was happy to see that they had now got above the fear of being thought fearful. With regard to the last sentence of the right hon. gent. who preceded him, he did not think that the construction of the petition warranted the assumption that the indignity was offered by the House; it might as well apply to the serjeant and officers of the House, in executing the duty imposed upon them.

Mr. *Whitbread* observed, that, even if the former was the construction, that would not warrant the House in the rejection of the petition.

The Petition was then ordered to lie on the table.

[Sir Francis Burdett's Notice to the Speaker.] The Speaker stated to the House that he had received a further notice from sir Francis Burdett, of his intention to take proceedings against him. The notice was occasioned in consequence of an error which appeared in the former one with respect to the parish in which sir F. Burdett's house was.—The notice was then read, and it was word for word the same as the original notice, only varying the parish in which the illegal act was said to be committed.

The *Chancellor of the Exchequer,* in moving that this paper be entered on the Journals, took occasion to observe that the present was a subject of very great importance. He wished gentlemen would turn in their minds the question, whether the transaction for which a process had been served upon the Speaker was not a proceeding within that House; and if so whether that process was not a direct violation of the Bill of Rights? Should that turn out to be the case, he would not anticipate the course which it might be necessary to pursue. He only mentioned the subject as one which deserved the serious consideration of every member of the House.

Mr. *Whitbread* allowed that this was a question of great importance, and he trusted it would experience the most calm and deliberate consideration. He should not have said a word upon it, had it not been that he could not permit the observations of the right hon. gent. with respect to the Bill of Rights to pass unnoticed. He conceived that the right hon. gent. had taken as erroneous a view of the Bill of Rights even as Mr. Yorke himself.

The *Chancellor of the Exchequer* repeated that he had stated the question for the consideration of the House. It would be for them to determine whether the transaction to which he alluded was or was not a proceeding in the House. The Bill of Rights declared that not only speeches but proceedings in that House should be exempt from the interference now attempted.

The Letter was then ordered to be entered on the Journals.

[Expulsion of Mr. Hunt.] Mr. *Calcraft,* although the motion which he was about to make was of great importance, did not conceive that it would be necessary to detain the House long upon it.—The motion was, "That Mr. Hunt, late treasurer of the ordnance, be expelled that House." This was certainly proposing a great and grave punishment to be inflicted on the individual, but he was persuaded that those who considered the Twelfth Report of the commissioners of Military Inquiry—

The *Speaker* here interrupted the hon. gent., to inquire of the Serjeant (in conformity to the usage of the House) whether the hon. gent. who had been ordered to attend, was actually in attendance?

The *Serjeant* replying in the negative; the messenger who served the order of the House was called to the bar, and examined by the Speaker and the Chancellor of the Exchequer.—The substance of his statement was, that he had served the order at the Ordnance Office, that he could not discover Mr. Hunt's private residence, but that Mr. Crewe (the secretary) had told him that he supposed he was out of England.

Mr. *Calcraft* stated, that an hon. member had informed him that Mrs. Hunt was in town; and that she had lately received a letter from Mr. Hunt, dated Lisbon.

The *Speaker* asked, if the hon. gent. would answer for this being recorded.

The *Chancellor of the Exchequer* observed, that the present motion was evidently premature; and suggested the propriety of sending another summons to Mr. Hunt, before they proceeded any farther. The House would do well to see, before they proceeded to the expulsion of a member, that all due formal, as well as substantial steps, were taken. He therefore recommended to the hon. gent. to postpone his motion till after the recess, by which time full inquiry, and far more effectual search might be made, and the House be enabled to proceed on satisfactory grounds.

Mr. *Calcraft* concurred in the propriety of this suggestion, and fixed on the first Thursday after the holidays for renewing his motion.

The *Speaker* then observed, that every thing done hitherto had been perfectly regular, and that they had only failed in bringing the matter to a point, from not having their order brought home to the member to whom it was directed. He suggested that the order of the House ought to be renewed:—which was acquiesced in.

[Lord Chatham.] Mr. *Whitbread* thought this as fit an opportunity as any other, to put a question to the right hon. gent. opposite, respecting lord Chatham. This question he considered to be of extreme importance, and it was of such a nature, that when he heard of the fact, he could scarcely believe it to be possible. He had heard, that notwithstanding the tender of his resignation by lord Chatham, and its acceptance by his Majesty, of which they had been assured by the right hon. gent. opposite, that noble lord still continued to fulfil the duties of master-general of the ordnance, and to draw the salary, and exercise the patronage appertaining thereto. He wished to be informed by the right hon. gent., if this was true or not?

The *Chancellor of the Exchequer* said, that, in point of fact and of law, lord Chatham continued to transact the business of master-general of the ordnance, from day to day, till his successor should be appointed. This was necessarily done in all patent places. But he had merely fulfilled the duties of his office, and had abstained from advising in the cabinet, carrying in the reports, &c. to his Majesty, or doing any other official act connected with his situation, which had devolved, in the interim, on the lieutenant-general of the ordnance.

Mr. *Whitbread* conceived this to be a gross and scandalous delusion, practised on the House and the country by his Majesty's ministers. They had informed the House that the noble lord's resignation had been tendered and accepted; but he could not understand how that was done, if he still continued to fulfil the duties of the office. He had of late given the right hon. gent. several opportunities of explaining this matter, by urging the inexpediency of having so important an office as master-general of the ordnance vacant, and had once directly asked him if it was filled up? But still the delusion had been carried on. They were now met by the form of patents; but how would that have been, had the noble lord been deprived of his office in consequence of a vote of the House? Would he then still have been allowed to do the duties of that important office, and manage those military affairs, for which they thought him so unfit? The right hon. gent., he fancied, was aware that a motion to this effect was only not made, because the noble lord resigned his situation. It was not whether he attended cabinet councils, advised ministers, or performed other acts, but whether he actually remained in office, after the House and country understood he had retired?

The *Chancellor of the Exchequer* explained. By law, one patent could only be revoked by the communication of another, and the duties of an office must be discharged by the last patentee, even after his resignation, till such time as his successor was appointed.

Mr. *Whitbread* rose to speak, when he was called to order by a member, who stated, that there was no question on this subject before the House.

Mr. *Whitbread* then said, he would raise a question in a moment. He wished to be informed whether in point of fact, lord Chatham still received the salary of his office?

The *Chancellor of the Exchequer* thought that whilst he performed the duties he was entitled to receive it, but did not know whether he actually did so or not.

Mr. *A. Cooper*, in answer to the question, stated, that lord Chatham had received the salary as master-general of the ordnance, till the end of the last quarter.

Mr. *Whitbread* expressed a hope, that he would do so no more, to prevent the disagreeable necessity of his bringing a question on any subject affecting the noble lord, under the discussion of the House.

HOUSE OF COMMONS.

Wednesday, April 18.

[Dispute with America.] Mr. *Canning*, seeing an hon. member in his place, rose to put a question to that hon. gent. (Mr. Whitbread) respecting our transactions with America. It would be recollected that observations had been made tending to intimate that he (Mr. Canning) had actually told a lie before that House, and in the face of the world, with regard to the instructions which he, when in office, had given to Mr. Erskine. The papers which served fully to elucidate this subject had been now nearly two months before the House, and no proceeding was taken in pursuance of the object, with a view to which the hon. gent. called for those papers. He therefore thought it necessary to ask, after such a public imputation as he had alluded to, had been cast upon his character, whether the hon. gent. meant to bring forward any motion upon this question, and at what time he would feel it convenient to do so.

Mr. *Whitbread* stated, that in consequence of the pressure of public business for some time back, he had not yet been able to read the papers alluded to by the right hon. gent. But he would take care to examine them in the course of the recess, and if they did not serve to dislodge the impression he had been induced to entertain upon this subject, he should certainly feel it his duty to submit a motion to the House respecting it.

Mr. *Canning* expressed a hope that the hon. gent would either bring the matter under discussion, or state his reasons for declining it, so that the intimation, of which he had reason to complain, should not remain uncontradicted.

Mr. *Whitbread* replied, "undoubtedly" —and adding, that he felt himself bound to apologize to the right hon. gent. for the delay which had already taken place.

[The late Disturbances in the Metropolis.] Lord *Ossulston* rose to put a question to the secretary of state for the home department, (Mr. Ryder) with respect to a subject which considerably agitated the public mind. He saw in the newspapers a proclamation, offering a reward for the discovery and apprehension of persons alleged to have fired at some of the military in the course of the late Disturbances; and he saw also the report of a coroner's inquest upon the body of a man who had been unfortunately killed in Piccadilly on the 7th instant, who had found a verdict of "wilful murder against a life-guardsman unknown." Now he wished to know whether it was intended by his Majesty's ministers to issue a proclamation, and whether it was in the contemplation of government to take any steps towards discovering the offender, whom he understood, it could not be difficult to find out, as he was one of a rear guard, consisting of only six persons.

Mr. Secretary *Ryder* admitted, that if the concluding statement of the noble lord were correct, there could of course be little difficulty in discovering the offender alluded to, if offender there were. His Majesty's ministers had undoubtedly instituted an inquiry, into all the circumstances connected with the conduct of the soldiery and the populace during the late unhappy tumults, and he was enabled to state as the result of that inquiry, that there was no instance in our history where it was found necessary to collect and employ the troops, in which the forbearance and moderation of the soldiery were so remarkable, while they were not only pelted by the populace with stones and mud, but actually fired upon. This moderation was, indeed, not only manifested during the period in which the army were engaged in Piccadilly, but upon the Monday when the prisoner was conveyed to the Tower. Such was the result of the inquiry which his Majesty's ministers had instituted. As to the particular event adverted to, he was assured that no shot was fired by a soldier, until several shots were fired at the troops from the same place to which the fatal shot was directed. Under these circumstances it could not be expected that government should issue a proclamation such as that required by the noble lord; nor did he think, unless a different result should appear from farther inquiry, it would be consistent with its duty to issue any proclamation whatever.

Mr. *Whitbread* agreed with the right hon. gent., that the conduct of the soldiery throughout had been very exemplary; but did that right hon gent., mean to say, standing in that House as a minister—

The *Chancellor of the Exchequer* rose to order, observing, that as there was no question before the House, the hon. member was not warranted in proceeding farther. He had no objection whatever to a discussion of the case referred to, but he felt the impropriety of allowing a speech to be made under the present circumstances upon the subject, and to go forth without any answer.

The *Speaker* remarked upon the point of order, that it was deemed generally inconvenient to the House to extend a conversation of this nature; beyond the mere answer to the question proposed. If it were desired to carry the subject farther, the practice was according to the custom of the House to give notice of a motion. He begged pardon for interrupting the hon. member, but being appealed to on the score of order, he felt it his duty to state his opinion.

Mr. *Whitbread* expressed his resolution to avail himself of his right to make a motion, without giving any notice; and that motion would be, That the verdict of the coroner's inquest should be laid before the House. He was really much astonished at the very extraordinary doctrine laid down by the right hon. gent. What! did the right hon. gent. mean to assert that the verdict of a coroner's inquest was not deserving of any investigation—that it formed no ground for additional inquiry—that no step should be taken in consequence of it? Was it not due to the cause of justice, to the feelings of the public, to the character of the soldiery, one of whom was accused of murder by this verdict, that an inquiry should take place? Such

He had taken the House by surprise, and unprepared. On that ground alone, therefore, the motion ought to be negatived; for there was no excuse for departing from the established usage. But, independently of that consideration, were the House to take into their own hands the administration of justice while in its progress? Were they to be the inspectors of verdicts of coroners' inquests and indictments for murder? Were they to stand in the situation of grand jurors? If any abuse had occurred, that certainly would be a sufficient ground for a parliamentary proceeding. But what answer had his right hon. friend made to the question, whether or not his Majesty had been advised to issue a proclamation offering a reward for the apprehension of the offender? His right hon. friend had replied in the negative, and had added, that, as far as he could judge from the inquiry which had been instituted into the circumstances of the case, he did not think he should be disposed to recommend such a proceeding; the inquiry, however, still pending, the result of which might alter his opinion. If the House had instituted the same inquiry as his Majesty's government, they would have arrived at the same conclusion. It evidently appeared that the soldiers had behaved with marked abstinence generally; but that on the particular spot which was the scene of the unfortunate event in which the discussion originated, the people assembled in an alley, which prevented the horses from approaching them, and assailed the soldiers with brickbats and even fired at them with ball. He saw an hon. officer in his place, who having been on duty in that part of the town, on that occasion, could, if he were so disposed, afford every satisfactory information on the subject. If the House entertained the motion before them, they would depart from the practice which had been found convenient for such a length of time, and would soon have cause to repent that departure.

Captain *Agar* felt himself called upon, in consequence of what had fallen from the right hon. the secretary of state, and from the right hon. the chancellor of the exchequer, to state to the House what he knew upon the subject, having on Saturday the 7th inst. been on duty in that part of Piccadilly where the unfortunate event which was now under discussion had occurred—an event deeply painful to the feelings both of the civil and of the military force. He lamented that he had to rise on such a serious and melancholy occasion, but he begged leave to state the circumstances which he had witnessed, as from his own situation on the spot (near St. James's Church), from his own knowledge, and from the knowledge of others (he having as an officer particularly investigated the transaction), he was persuaded that he could give information which it was out of the power of any other hon. member to afford or procure. He would take upon himself positively to assert, that before any firing on the part of the troops, the populace fired upon the soldiers. One man near him was shot with a ball through the jaw. (Hear, hear, hear!) Even after this occurrence, the soldiers were not allowed to load their pistols, but the magistrates exerted their authority to repress further outrage. Both the civil and military power were, however, pelted by the populace, and from ten to twenty shots were fired by the people before he heard one fired by the soldiers. (Hear, hear, hear!) He did not state this as hearsay, but as matter of fact, he being on duty at the place where there was a considerable detachment of from 60 to 100 men, and not merely a rear guard, as a noble lord had mistakenly conceived. Should this subject be discussed at any future period he would go into greater lengths upon it, but at that time he did not think it was necessary to add any thing to that, which he had already stated.

Mr. *Lascelles* did not approve of this sort of discussion, as it might send an individual before a jury to be tried for his life under circumstances very partial and oppressive.

Mr. *Whitbread* rose, but scarcely begun to speak when

Mr. *Croker* spoke to order; if the hon. gent. had a right to make a motion without observing the usual forms of the House he had no right to speak a second time.

The *Speaker* decided, that it was perfectly in order for the member, who originated any question, to deliver his sentiments a second time in his reply after other gentlemen had offered their observations upon his motion.

Mr. *Whitbread* then rose again and said. that if it was the object of the hon. gent. to impede his speaking, the means resorted to would not have answered that end, as it would be in the power of any gentleman to move the previous question, which would open the debate to him and every other member. With respect to the first speech of the right hon. the secretary of state, he had been provoked by the doctrines laid down in that speech to make the observations he had done, and when he was stopped in proceeding in those observations, he had had recourse to that mode which the case itself justified him in resorting to, independent of such interruption.—From the time when he first became a member of Parliament a case had not before occurred in which he would have thought it necessary to exercise that discretion till that day, and in that instance he had acted up to the best of his judgment; the occasions of doing so could be but very rare. With respect to the gallant officer under the gallery, he gave him and his brother officers every credit for their manly and judicious forbearance and moderation in the recent disturbances; still, however, it was no reason if among a thousand of the soldiers, with the exception of one man, they had all conducted themselves with temper, and that that one man had been guilty of murder; there was no reason why that one man should escape with impunity. He asked the chancellor of the exchequer, as a lawyer, if the verdict of a coroner's inquest was not sufficient to dispense with the sending a bill before a grand jury? The whole of the evidence taken before an inquest was taken upon oath. He thought, therefore, it indispensible that this man should be put upon his trial. He would ask the chancellor of the exchequer, if he or any of his colleagues knew who this man was? If they did, ought they not to give him up to trial? this would put an end to further proceedings. He did not complain of the conduct of the soldiers in general; on the contrary, he understood that their conduct and moderation had been praiseworthy; still, however, he would say, that in cases of as great emergency, the peace of the city had been preserved by the wisdom, firmness, and clemency of an honourable member of that House—the then chief magistrate, and that without calling in the aid of the military. Under all the circumstances of the case, he felt that he was justified in making the motion he had made, and that he could not consistently consent to withdraw it.

Mr. *M. A. Taylor* stated, that he was coming down Sackville-street when the unfortunate shot was fired. The carriage in which he and a noble friend of his were, was stopped by the guards, and directed another way, as, in consequence of the excessive tumult of the populace, it would be necessary to fire. He then got out of the carriage, and proceeded towards an alley, when he heard a pistol discharged, and from the sound of the report, he had no doubt that it had been charged with blank cartridge. Shortly after he heard a shot from a musket, and he thought, from the quarter from which the noise issued, that the shot had been fired from some window in the range of houses opposite, and not from the military then passing [Hear, hear!]. He was at the entrance of the alley, and on hearing the shot, and observing the direction, he made the best of his way down the alley [A laugh]. He hoped that the man who fired the fatal shot, if any of the military had done so, would surrender himself to justice, as, under all the circumstances of the case, there could be little doubt that he would be acquitted by a British Jury [Hear!]

Captain *Agar* observed, that a question had been put to the right honourable gentlemen opposite, whether they knew who the man was that fired the unfortunate shot. He said that several other shots had been fired at the same time, and he doubted very much, if the man himself who fired the unfortunate shot knew that he had fired it. It was also to be observed, that the military did not fire till ordered by the magistrates [Hear, hear, hear!].

The motion was then negatived without a division.

[CAPTAIN FOSKETT'S PETITION.] Mr. *Lyttleton* rose to present a Petition from a Mr. Foskett, a captain in the 15th regiment of dragoons, praying relief from the pressure of severe and long-continued grievances, suffered by him in consequence of that redress having been deferred and ultimately denied to him, to which, by the articles of war, he felt himself entitled. The person by whom the petitioner alleged himself to be in the first instance, and principally, aggrieved, was the colonel of the regiment, his royal highness the Duke of Cumberland; and a further allegation was, that the petitioner had been obstructed in his due course of seeking for his remedy against such alleged grievances, and that such obstruction was in direct violation of an article of war, which article left no discretion in the commander in chief, but to forward the complaint and lay it before his majesty, taking his majesty's pleasure thereupon, and acting accordingly. Now, with respect to the statement of facts contained in that petition, he (Mr. L.) would not assume that statement to be true. He would not say that the commander in chief had actually given the refusal complained of. He had, however, felt it his duty to present the petition, and if the House should think proper to receive it, he should follow up that motion with such ulterior proceeding as might best suit the general wishes of the House. He should be glad to be enabled to ascertain those wishes, and to act according to them; or if the mode for obtaining the redress sought for, adopted subsequently by him, should not be approved of, he would be willing to acquiesce in any other that might be generally thought less exceptionable. He then moved that the petition be brought up.

General *Craufurd* said, that he must positively protest against such a petition being received by that House. He thought it would be establishing a dangerous precedent; they could not be too cautious in interfering with the military government of the army, which was exclusively vested in the crown. As for the article of war alluded to, it was never understood to be imperative and positively obligatory on the commander in chief. If it were so, it would give rise to great confusion, as if every imaginary grievance of officers were to be so disposed of, there would be 30 or 40 courts-martial and courts of inquiry in a month, a circumstance that would be utterly subversive of all military discipline, and ruinous to the army. It was, therefore, necessary that the commander in chief should have a discretionary power to resist, in his own person, all such nugatory applications as this was. He would pledge himself to prove that the complaint of this officer was not only nugatory, but vexatious; and, like many other cases of complaint, proceeded from one of the most remiss officers of the regiment against his colonel.

Mr. *Whitbread* rose to order. The question was upon bringing up the petition, and it was out of order to enter upon a discussion of the petition itself, with which, not yet being before the House, members were unacquainted.

General *Craufurd* resumed. He could not comment upon the petition, though he felt himself bound to oppose its being received, but he would contend that the article of war in question did not deprive the commander in chief of a discretionary power. He then argued generally against the dangerous consequences resulting from insubordination in the army. If that House was to be thrown open to such complaints; if one officer might petition, why not a regiment? If his petition was received, they would have forty more of a similar nature, before the end of the sessions; and then what a ferment, what irregular convulsions, what factious divisions attaching themselves to the different parties in that House would arise and spread through the army; they would have a petitioning army, a parliamentary army, and who could foretell the consequences? He repeated his conviction, that the commander in chief had done nothing more than exercise a discretion vested in him, and that that House should be cautious in submitting the military government of the army, which was a part of the undoubted prerogative of the crown, to the controul of the many-headed monster.

Mr. *Whitbread* said, that he and many of those sitting near the gallant officer could ease his apprehensions of any alarming consequences resulting from a discussion of this sort. He (Mr. W.) had in 1806 presented a petition from Mr. Cochrane Johnstone, and yet forty more had not been presented that session, nor one more. A motion had been made in the course of last session, respecting what was thought the improper promotion of a certain officer, lord Burghersh, and that motion was not only acceded to, but had such effect, that that promotion was revoked; and yet there were not forty other motions in the same session, nor one other motion of a similar tendency. So much for the imaginary fears of the gallant officer. He knew well the necessity of due subordination to the preservation of discipline; but he thought that discipline was in no inconsiderable degree maintained by the power of remonstrance vested in every junior officer against the injustice of his superior. He knew also, that nothing could be more foolish in principle, or mischievous in practice, than the taking the army out of the hands of the crown; but how had the motion before them any such tendency? it was to receive a petition, that complained of the course of remonstrance between the officer and the crown having been obstructed. It had been stated that the commander in chief had a discretion vested in him by law, which discretion he had only exercised in the case before them; but the fact was, that the article of war gave no such discretion. [Here he read it to the House—It stated in substance, that the officer aggrieved should prefer his remonstrance to the colonel of the regiment, to be by him forwarded to the commander in chief, who was thereupon to examine into, and report upon, the merits of the case to his Majesty.] Here the words were "to examine into and report upon"—report upon; not to determine, but to report—according to these words, and none could be plainer, there was no option whatever. Sir David Dundas did not report—he determined. But the gallant officer said that he knew the contents of the petition, and that he believed the grievances alledged therein to be imaginary. Why, really, he thought the sufferer the best judge whether they were so or not. Against that opinion of the gallant officer there was opposed his (Mr. W.), who had read the statement of them, and thought them heart-breaking. He doubted if he himself could have survived them. But it was said that they could be proved to be imaginary—it was to that proof they challenged them.—

General *Craufurd* here interposed, and said, that the epithet he had used was 'nugatory.'

Mr. *Whitbread* in continuation said, that if they were indeed nugatory that would be best proved by receiving the petition; they could not be warranted in presuming them to be so before they heard them. But did the gallant officer know that sir David Dundas had offered to capt. Foskett since he had presented his remonstrance, a majority in another regiment? Did this look as if the commander in chief had conceived the complaint of Mr. Foskett to have been either frivolous, vexatious, or nugatory? He thought that an opposite conclusion was to be inferred from that offer. As to putting the army under the controul of the many-headed monster—that that House was a many-headed monster could no doubt be easily proved, but that it assumed any share in the military government by inquiring into abuses whether military or other, was not so clear. He should vote for bringing up the petition, not thinking that it would tend to those irregular convulsions (though, by the way, he had not heard of regular convulsions) of which the gallant officer was so apprehensive.

Mr. *Manners Sutton* was for the petition being received, and trusted that his gallant friend would be prevailed upon to withdraw his opposition: at the same time he thought that the petitioner might have taken an opportunity of personally presenting his remonstrance to the King. He thought the commander in chief had shewn capt. Foskett great kindness, if, forbearing to make a report of that which might have been prejudicial to his character, he had offered him a majority in another regiment. That he thought might be the case. The article of war which had been spoken of was generally understood to refer to pecuniary matters. He however, was not against the petition being brought up.

Mr. *Lockhart* also opposed the petition; as receiving petitions from the army would, in his opinion, be highly injurious to its welfare and efficiency. The House ought not to be applied to but when there was no other source of redress open to the subject.

Mr. *Lyttleton* observed, that in the answer of the military secretary of the commander in chief, to the letter of the petitioner, no ground was stated why the remonstrance was not duly forwarded. He should not advert to the ornamental parts of a gallant officer's speech, they had been already so adequately answered. It had been said that the petitioner should have gone and made his bow at the levee, and presented his remonstrance; that he thought would have been an irregular and disrespectful proceeding. The petitioner had taken a better and more regular course. He could not adopt the explanation that had been given by the judge advocate, nor, if he could, did he think that it solved the difficulty. He had not the smallest notion that this motion would have been opposed. He only asked of the House to hear the petition, and put the case into a proper train for investigation. He was not acquainted with capt. Foskett, and when that gentleman applied to him to present his petition, he frankly told him his reluctance, that it was very little his disposition to institute any accusatory measures against a prince of the blood, and more particularly so, on account of the inquiry proceeded in during last sessions, respecting the duke of York; and also from having observed, that the House were by no means disposed to entertain questions tending to an interference with the military government of the army. This, however, was mere matter of feeling, and ought not to be allowed to interfere with a principle of public duty. If that House was to be deterred from the steady performance of its duty, either by the influence of the crown upon the one hand, or popular tumult on the other, it signified very little whether they sat or not—what they did or what they omitted to do.

Mr. Secretary *Ryder* observed, that when he was judge advocate it was always considered discretionary with the commander in chief to lay the memorial of any officer before the King or not.

The Petition was then brought up, and read, as follows:

"To the Honourable the House of Commons, in Parliament assembled.—The Humble Petition of Henry Foskett, Captain in the 15th Regiment of Light Dragoons:

"Sheweth; That your Petitioner has been an officer in the 15th light dragoons, above 13 years, and senior captain in that regiment above four years. That, during the last mentioned space of time, he has, in various ways, been made to suffer, from his colonel, his royal highness the duke of Cumberland, the most injurious treatment, amounting to no less than a course of systematic oppression. That, in the year 1806, in a manner contrary to the acknowledged custom and constitution of the army, his royal highness endeavoured to promote an officer of the 15th Light Dragoons, and junior to your petitioner, in preference to him, to a majority in the regiment, which purpose he was prevented from effecting, solely by the interposition of his royal highness the duke of York, at that time the commander in chief. That your petitioner having, on the above occasion, solicited a week's leave of absence, in order the more certainly to obtain such interposition, by means of a personal appeal, in support of a memorial transmitted to the commander in chief, he was, for five successive months, most vexatiously refused that indulgence, although he was, at that very time, entitled, under general orders, to leave of absence for two or three months, and although junior officers were then actually allowed that permission. That your petitioner, notwithstanding his final success, in thus preventing a junior officer from being raised above him, has, from that time, been unjustly deprived of promotion, in the usual course of his regiment, to the injury not only of your petitioner, but of all the captains and subalterns of the corps, whose promotion has thereby been, and still is, entirely stopped.

"That, in the year 1808, when the 15th Light Dragoons was ordered upon foreign service, in Spain, your petitioner, though senior captain, was directed, by his royal highness the duke of Cumberland, to remain at home with the recruiting squadron. That upon complaining to the commanding officer of the regiment, of a management so inconsistent with the established custom of the army, and fraught with such extreme hardship to your petitioner, he (the commanding officer) disdaining all participation in the transaction, referred your petitioner's complaint officially to his royal highness the duke of Cumberland, by whom it was dismissed, and who declared the arrangement to be unalterable.

"That your petitioner thereupon thought himself bound to solicit the interference of the commander in chief, when the duke of Cumberland, in explanation of his own conduct, permitted himself to cast on your petitioner's character the most injurious aspersions, which, notwithstanding the authority from whence they came, were soon proved to be utterly unfounded; as the commander in chief, though at first induced by them to sanction the arrangement of which they were the assigned cause, yet, upon further remonstrance on the part of your petitioner, and on further consideration of the case, his royal highness was graciously pleased to revoke his consent to the arrangement in question, and to direct that a captain should be sent home from the regiment in Spain, upon whose arrival the petitioner was to be at liberty to join; a permission, however, of which, gracious and acceptable as it was, your petitioner was not able to take advantage, as the regiment soon afterwards returned home; and thus your petitioner was oppressively made to sustain the irreparable loss of an opportunity, so anxiously desired by every British officer, of serving his sovereign and his country, against their foreign enemies.

"That your petitioner having suffered, during so long a time, such heavy and complicated injuries, finding himself shut out from all hopes of advancement in his profession, by the avowed determination of his commanding officer (expressed in terms the most injurious) not to recommend him for promotion; and at the same time, rendered an insurmountable obstacle to the advancement of every officer, junior to himself, in the regiment; having in vain repeatedly and earnestly called for the strictest investigation of his conduct, and declared his readiness, and even his anxiety, to meet any charge that could be brought against him, and perceiving that fresh complaints of ill-treatment only served to subject him to fresh aspersions; your petitioner saw that he had no chance for redress, but from the justice of the commander in chief.—That he, therefore, in the month of July, 1809, laid his case before his excellency, imploring his interference and protection.—That this communication was accompanied with testimonials to the undeviating good conduct of your petitioner, from almost every commanding officer of the regiment, under whom your petitioner had served; and who must have had far better opportunities of observing his general deportment, than his royal highness the duke of Cumberland. — That while your petitioner's complaints were before the commander in chief, his just claims to promotion were again defeated, by the introduction of officers from other regiments, to fill up the two majorities of the 15th Light Dragoons, which were then vacant:—Then seeing himself thus excluded from all prospect of relief, in the ordinary course, your petitioner was reduced to the necessity of soliciting, from the commander in chief, an application in his favour, of the 12th section of the articles of war, which states that, 'If any officer shall think himself to 'be wronged by his colonel, or the com'manding officer of the regiment, and 'shall, upon due application made to him, 'be refused to be redressed, he may com'plain to the general commanding in 'chief our forces, in order to obtain jus'tice; who is thereby required to examine 'into such complaint, and either by him'self, or by our secretary at war, to make 'his report to us thereupon, in order to 'receive our farther directions.'

"That your petitioner accordingly on the 26th of September, 1809, addressed a letter to colonel Gordon, military secretary, for the consideration of the commander in chief, in which, after briefly recapitulating the injuries, of which he had ineffectually complained, he expressly requested the commander in chief, in conformity with the 12th section of the articles of war, to examine into the complaints which he had laid before him, and (unless he was graciously pleased to afford him redress) to make his report to his Majesty thereupon. That this request being attended with no other effect than an offer of promotion in a regiment of infantry, which your petitioner could not accept, consistently either with his own just claims, his wounded feelings, and his aspersed character, or, in the situation in which he was placed, with what was due from him to the army, he has since, in two subsequent letters, explicitly repeated his request, that the commander in chief would investigate his complaints, and report to his majesty thereupon; to which request he at length received an official answer from the military secretary, dated February the 12th, 1810, and couched in the following terms:—

"'Sir;—I have not failed to lay before 'the commander in chief your letter of 'the 10th instant, and I am directed to 'acquaint you, that sir David Dundas does 'not see sufficient grounds for complying 'with your request. (Signed.)

'H. Torrens.'

"That, by this refusal, on the part of the commander in chief, to comply with your petitioner's request, as above stated, unless your honourable House shall be pleased to afford him relief, he has no means of redress for the wrongs which have been heaped upon him, in his military character; in as much as the 12th section of the articles of war, afford the only remedy, of which an officer of the army, who has been wronged by his colonel, and by him refused redress, can avail himself; and that, therefore, the denial of justice in your petitioner's case, by the commander in chief, in direct violation of the articles of war, is a most serious injury, not only to your petitioner but also to the whole army, by rendering nugatory the only remedy afforded to officers against the acts of their superiors, and by thus depriving them of the inestimable right, so amply secured to every other class of British subjects, that of employing the means provided by the law and constitution, for the redress of oppression and injustice.

"All which your petitioner most humbly submits to the consideration of your honourable House, being ready to verify the same. And he implores your honourable House, to afford him such relief, as to its wisdom shall seem meet.—And your petitioner shall ever pray, &c.

(Signed) Henry Foskett.
Capt. 15th Lt. Dragoons."

Mr. *Lyttleton* then moved, That the petition be laid upon the table.

Sir *H. Montgomery* objected to this; as it was a complaint for not being promoted, according to the expectations of the individual who petitioned. His Majesty had a right to promote whom he thought fit; and it would be improper for the House to interfere. The person promoted over captain Foskett, was not a junior, but a senior officer to him. The reason why he was not sent with the regiment to Portugal was, because his ~~troop~~ was the worst in the regiment, and therefore the fittest to be left on the recruiting service. When the House knew the cause of his not being so rapidly promoted as he expected, they would acquiesce in the justice of his colonel. The cause was this: Captain Foskett, an old officer, had gone out as a second in a duel, with two boys of 16 and 17 years of age, and suffered them to try to murder each other, by firing no fewer than six shots. It was great grace and indulgence in the duke of Cumberland, that this was passed over at the time; for had it been reported to his Majesty, captain Foskett's name would have been struck out of the army list.

Mr. *Whitbread* said, he had not any knowledge, and never had heard any thing of capt. Foskett, but what he had heard from his hon. friend. He would admit, if that was true which was stated by hon. gentlemen opposite, that his name deserved to be struck off the military list, and on that account he ought not to have been offered a majority in another regiment. He had offered to produce recommendations, in favour of his character, as an officer, and there was not a voucher offered to shew they did not deserve full credit. Under these considerations, he could not see an objection to the petition being laid on the table.

General *Phipps* thought it was highly improper that the House should interfere.

General *Loft* could not perceive where the cause of complaint lay. There was no charge of a junior officer being raised to rank above him.

The *Chancellor of the Exchequer* thought no beneficial result to captain Foskett could arise from the petition being ordered to lie on the table. No allegations were made of his having been refused promotion improperly. No junior officers, it appeared, had been promoted in preference to him. He had no right to complain of being left behind when the regiment went on service. That was a regimental arrangement, which rested in the first instance with the colonel of his regiment, in the next, with the commander in chief. It had been at first so arranged by the colonel of his regiment, and it was in a way of being redressed by the commander in chief when the regiment returned. But it was then said, why was he appointed to replace an officer in Spain, and why offered a majority in another regiment? seeing his conduct had been improper. If he had been concerned in a duel two or three years before, though that might be an obstacle to his promotion in his own regiment, yet if it was not thought proper to bring him to a court martial on that account, it was hard that that should hang over him for ever, and prevent his rising in another regiment. With respect to the article of war, the utmost extent of it was, that the commander in chief should examine each complaint, and report upon it to the king, where the case required it. This case was not thought to require it. The army, it appeared, understood that article to refer exclusively to pecuniary matters. What was there to complain of, when, because the commander in chief could not report favourably, he declined making any report at all? If he complained of marching in the rain, or any thing equally frivolous, would it be said a report should be made? Under all the circumstances, as he apprehended no ulterior mischief from it, if it were a matter of doubt whether or not the petition ought to lie on the table, he would, in all such cases, give no opposition to a motion to that effect.

Mr. *W. Smith* thought it was quite a different case, where a commander in chief was called on by an officer for a court-martial, which he took at his own risk, and a commander-in-chief thinking he ought to be brought to a court-martial, and making it a barrier to the officer's promotion, and although he will not bring him to trial, keep it hovering over his head. He should vote for laying the petition on the table.

Mr. *Lyttleton* was not inclined to make many remarks, as he would have an opportunity, on a future day, to enforce his arguments. The petitioner complained that he was aspersed, because he was a second in a duel, where something like murder might have taken place. He had made every inquiry into the circumstances of this duel, and learned that several shots had been fired, but that the petitioner had tried every means to prevent it; but, from the abusive language of one of the principals, he could not succeed. One of them was wounded slightly in the leg. Both of the principals were put under an arrest, and, after a short time, dismissed from that arrest. He could not therefore allow captain Foskett's character to be whispered away, or assertions made that could not be supported. He had applied to his lieut.-colonel for a court-martial, which was granted as far as his influence went. It had been said by an hon. baronet, that the reason captain Foskett was left behind was, that his troop was the worst in the regiment; this he did not know; but he had learned it was unusual to leave a senior captain at home, when his regiment was ordered on foreign service.

The petition was then ordered to lie on the table.

HOUSE OF COMMONS.

Monday, April 30.

[KING'S MESSAGE RELATING TO THE DUKE OF BRUNSWICK.] The Chancellor of the Exchequer brought up a Message from his Majesty, which was read from the chair, and was to the following effect:

"G. *R.* His Majesty finds it necessary to communicate to the House of Commons, that in consequence of the continued occupation of the territories of the duke of Brunswick Wolfenbuttel, on the continent, and the unfortunate events in the year 1806, which were attended by the lamented death of his illustrious father, his serene highness has, after a series of the most gallant but unsuccessful exertions, been obliged to seek an asylum in his Majesty's dominions. His Majesty, under these circumstances, recommends that the House will make some provision for his serene highness, until such time as the state of the continent may enable him to return to his own dominions. His Majesty relies on his faithful parliament to make a provision suitable to the rank and fortune of a prince so nearly allied to his Majesty's throne, and for whom his Majesty's feelings are so strongly interested."

The Message was ordered to be taken into consideration on Thursday next.

HOUSE OF COMMONS.

Tuesday, May 1.

[DRURY LANE THEATRE PETITION.] —Mr. *P. Moore* presented a Petition from the right hon. Richard Brinsley Sheridan on behalf of himself and other proprietors of the late theatre royal Drury lane; setting forth, "That the late theatre royal in Drury Lane was erected in the year 1793 by means of subscription shares, amounting to the sum of 150,000*l.*; and that owing to the great miscalculation of the architect employed to build the same, and to various other unforeseen circumstances, the theatre was left under a great accumulation of debt after the expenditure of the said sum of 150,000*l.*; and that in the year 1802, the whole affairs and demands on the theatre were regulated under an order of the court of chancery; and that the property thus circumstanced, and in the progressive discharge of those demands, was wholly destroyed by the calamity of fire in the month of February 1809, being insured only in the comparative small amount of 35,000*l.*; and that, under these circumstances, the proprietors, duly considering the interests of the various persons whose property to so large an amount has been embarked in the undertaking, find that the only adequate mode to do justice to such persons, and to rebuild the theatre, is by transferring the property to a large body of subscribers, who are willing to raise a fund adequate to the accomplishment of that object, on the sole condition that the subscribing individuals shall not be subject to any call or demand beyond the amount of their original subscriptions; and therefore praying, for leave to bring in a bill for effecting the purposes before-mentioned, and for such other purposes as may be necessary for supporting, maintaining, and improving the said property, under such regulations and restrictions as to the House shall seem meet."

Ordered, That the said Petition be referred to a Committee.

[SICILIAN SUBSIDY.] Mr. *Lushington* brought up the Report of the Committee of Supply which sat yesterday, of their resolution for granting to his Majesty the sum of 400,000*l.* to make good his engagement with his Sicilian Majesty for the present year.

Mr. *Lambe* opposed the resolution, inasmuch as the grant exceeded by 100,000*l.* the original stipulation with his Sicilian Majesty. The proposition for this additional grant, he understood, was founded upon an alledgement that it was rendered necessary by certain other stipulations not yet finally adjusted; and he thought it a bad precedent to grant so large a sum of the public money upon stipulations that might never take place. He thought, therefore, the House would be deserting its duty in voting away so large a sum of the public money, without having a very strong case made out to prove an urgent necessity for it, or that some serious inconvenience might arise from a delay of the grant until the stipulations were ratified. With respect to the alledged stipulations, he was anxious to ascertain whether any of them were of a commercial nature. His reason was that from authority in which he confided, he had understood that notwithstanding the assistance Great Britain afforded the Sicilian government, and though there was a great demand for British produce, still this country, in a commercial intercourse, was the least favoured; and that actually duties were levied upon such articles tantamount to a direct prohibition. He understood also, there was a commercial treaty in existence between this country and Sicily, upon which our interests were greatly neglected by the British government. On this point he was not sure whether he correctly stated the fact. He understood also, that the people of Sicily complained that this country, by the occupation of their island, had drawn upon them the hostility of France. A vast expence, too, was incurred to this country in the necessity of detaching so great a portion of our disposable force as 10,000 men, to keep up an army for the defence of that island. Such an expence ought not to be incurred, without some adequate object of advantage, and not merely for enabling the Sicilian government to maintain principles of domination over its subjects that were very oppressive and obnoxious to the people of that island, and which rendered them highly dissatisfied with their government. Of this fact his Majesty's ministers were fully apprised in the dispatches received from the British officers in the island. It was well known that the people of that country were anxious for a reform in their government, which they would wish to effect through the means of England, rather than of any other nation; but even through Buonaparté rather than not at all. Experience had proved, that the French, with all the insidious designs and rapacious cruelties which designated their character in every country where they obtained a footing, had still the art of persuading the population of those countries, that their object was the public good, thus inducing numbers to become their partisans. He thought therefore it was the duty as well as the sound policy of his Majesty's ministers to use their influence with that government which they were subsidizing and defending, to adopt such a system of reform as would at once satisfy and attach the people; instead of teaching that government to rely solely upon the defence of British troops, maintained at so great an expence to this country, and which occupied so very important a portion of our disposable force, and required so considerable a number of our transports which were essentially necessary to other objects of the public service.

The *Chancellor of the Exchequer* said, though the hon. gent. had entered into a very wide field upon the present occasion, he would confine himself merely to notice such parts as applied to the question of the grant before the House. From what had fallen from the hon. gent., he understood him, though opposing this vote, to be friendly to our connexions with Sicily; and indeed, when he considered that not only the present, but all the governments of this country, and men of all parties, had held this connexion as of value in every political view, as well as with regard to our commercial interests in Malta and the Mediterranean, he thought he might assume, that there was no difference of opinion as to the importance of preserving the independence of Sicily from the grasp of Buonaparté. This had been so felt at all times, that every government thought it worth a great expense; and to this consideration it must also be superadded, as the hon. gent. himself had acknowledged, that we were bound to Sicily by ties of good faith, from the circumstances attending the breaking out of the war with France. He was afraid the hon. gent. had gone a little too much, not only into accounts derived from Sicily, but into such as might easily be traced to another quarter. That there was a general dislike to the Sicilian as well as to all old governments—that the intrigues of France might have been in some instances successful—and that there might be some disaffected—he was not prepared to deny; but that the feeling was universal there was no proof. Reports might come from Sicily to that effect; for were there not even in this country, men, mad, wild, foolish and wicked enough to say, that there was nothing, even among ourselves, worth fighting for; and who found such inveteratefaults in our constitution, as to be ready rather than submit to it, to submit to French tyranny, with all its evils? But this did not prove that this government ought to intrude alterations of system on other governments; for, whatever reforms in our own enlightened country we might judge right, it did not therefore become us to force on others. We ought to be averse then to prescribing terms which could never be done wisely; and if we interfered at all, it ought to be by advice and suggestion, and not by controul; and the more so, as it must be to a party to whom we were affording aid and protection. It was the object of his Majesty's government to maintain the independence of Sicily against Buonaparté; but to intermeddle with the form of government in that island would be, in his conception, to violate the principles of good faith with that prince with whom we were in alliance. With respect to the additional sum of 100,000*l.* now voted, he begged to remind the hon. member that a similar sum was voted in the last session of parliament, although it was not advanced. The grant was thought necessary with a view to render the sum stipulated as effective as possible, without burthening this country with any loss arising from the difference of exchange, which must amount to a very considerable deduction; and, as the money was to be advanced by proportionate instalments, and no reasonable doubt could exist of the accedence of the Sicilian government to the stipulations proposed, he thought that any delay in the present grant would only lead to disappoint that government in the early instalments they were taught to expect.

Sir *John Newport* supported the objections of his hon. friend (Mr. Lambe.) He was decidedly against granting the additional 100,000*l.* until the House should be informed of the ratification; and as to the scruples of the right hon. gent. about using influence with the Sicilian government for a reform of oppressive abuses in favour of the people, there was lying on the table an official document from their own ambassador in Spain, and now one of his Majesty's cabinet ministers (marquis Wellesley) to shew that they had not scrupled to interfere with the Spanish Junta in matters of internal government; and therefore the pretence now made was directly in opposition to the principles already adopted by ministers themselves. The oppressions of which the Sicilians complained were not of a modern date. They did not originate within the last twenty years, nor within the last century, but had from time immemorial been severely felt by that people. They did not result merely from the government, but from certain rights and privileges claimed by individuals and coroporate towns; and he could not see the impropriety of ministers recommending to a government in their alliance, such a reform as would attach the people to that government, and insure their co-operation against the common enemy; and as to the necessity of granting now the additional 100,000*l.* he saw no other principle on which to solve the riddle, except that his Majesty's ministers, pressed as they were, wished to have as much of the public money as possible speedily placed at their disposal, in order that they might prorogue the Parliament, and avert the discussion of many important subjects still pending.

General *Tarleton* observed, that the right hon. the Chancellor of the Exchequer did not state a single reason why the House should agree to his resolution. He had talked of jacobins, and of something said somewhere, and by some person; but all this was wholly irrelevant to the arguments enforced against this proposed grant. In answer he must tell him, that the best assistance jacobinism, if it existed, could receive, would be from an unnecessary expenditure of the public money. There were numerous reasons why the additional grant should be delayed. In the present state of circumstances it became the paramount duty of the country to husband its resources, in order to be prepared for those trying occasions, which, from the present state of Europe, were likely to arise. Under such an impression, he felt it his duty to move, as an Amendment, that 300,000*l.* be substituted instead of the 400,000*l.* originally proposed.

The House proceeded to a division, when the numbers were,—For the amendmendment 25. Against it 55. Majority 30.—The original Resolution was then agreed to.

[PRIVATELY STEALING BILL.]—Sir *S. Romilly* moved the order of the day for receiving the Report upon this bill. The Report was then brought up and the amendments agreed to. On the question that the bill be engrossed, Mr. *Herbert*, however reluctant he was to oppose any measure brought forward by the hon. and learned gent., felt himself called upon to resist the passing of this or of the two other bills in progress through the House. The object of these bills was to render offences, capital hitherto, no longer so. As a friend to the old law, he found himself bound to resist such an alteration. Besides, it was not right that it should go forth to the public, that these bills had been passed in that House on the ground that the criminal law of the country was defective. All the arguments of the hon. and learned gent. founded upon the numbers that escaped punishment, would, he was persuaded, not avail upon due consideration. If all those who escaped through the unwillingness of parties to prosecute, through their avarice in declining the expence of prosecution, through their inability to defray the expence, through the ingenuity of counsel, or by means of false witnesses, were deducted from the aggregate, it would reduce the number of those that escaped the certainty of punishment very considerably. Besides, it was the uniform principle of the English law, that punishments were not inflicted for the satisfaction of justice, but for the prevention of crimes by the influence of example. The hon. gent. then proceeded to notice the preambles of the acts of Henry VIII, of Philip and Mary, and of Elizabeth, and contended that he was borne out by these preambles in asserting, that the acts were such as the House was in the habit of passing—such, for instance, as those against White Boys, in order to put down any occasional acts of violence. The offences which they had been meant to repress were committed by bodies of banditti, who passed from county to county, often in defiance of the military, and not to be put down by that which, in later times was considered a panacea for all purposes, the *posse comitatus.* If the punishments in use were not to be retained, where would the learned and honourable gentleman seek for others to be substituted for them? Would he from Russia introduce the knout, which was, according to the evidence of those who had witnessed its infliction, more horrible than death itself? Would he, with Beccaria, recommend perpetual imprisonment? Would he revive the practice of nailing ears to the pillory? Or would he establish solitary imprisonment —a description of punishment, perhaps, desirable, but which a very large proportion of people in this country were resolved to employ all means to get abolished? Upon the whole, he was not prepared to alter the law of England, under which we had lived so happily, and which preserved the property in this rich and flourishing nation, with so small a loss of life. He should therefore oppose these bills in every stage.

Sir *John Newport*, if he could agree with the hon. gent., that the ends of justice would best be promoted by the existing laws, should with him vote against the bill before the House. But he must contend that crimes were more effectually prevented by the certainty than the severity of punishment. The system of criminal law in this country, he contended, was most bloody, and was uniformly so represented in foreign nations. In practice he was ready to admit that the English criminal law was not so bloody; but the practice which thus mitigated its severity was a departure from the principle of the system, and the strongest evidence of the necessity of a reformation. The certainty of a lesser punishment would have more effect in deterring from the commission of crimes, as the hon. member must have often observed in the country to which they both belonged, than the terror of a greater, which might probably never be inflicted. Some years ago an act was passed in Ireland to make it felony and death to cut down a tree by day or by night. A gentleman of the highest worth and public spirit, who was in the habit of planting much, and was attached to his plantations, persuaded himself, that in the event of detecting any person destroying his trees, he could have resolution enough to put the act in force. An occasion soon occurred, and he, who had the honour of that gentleman's acquaintance, was well aware of all the anxiety he suffered as the period of the assizes approached. Up to the first day of that assizes, however, he appeared to have retained his resolution, but then his fortitude failed him; he declared it impossible for him to put the bloody law in force, and could not reconcile it to any notion of justice to get a fellow-creature hanged for cutting down a tree. If a person of his rank and enlightened mind could shrink from putting so severe a law in force, how much more likely were persons of humbler rank to decline to prosecute? Offenders would always calculate not only on the chance of their escape, but upon the common feelings of mankind, which would probably prevent parties from taking away the life of a fellow creature by a prosecution for so disproportionate an offence. All writers were agreed upon the point, that the certainty, not the severity of punishment, was most likely to deter from the commission of crimes. If, as the hon. gent. had said, the laws when too severe were not put in force, because individuals then declined to prosecute, was not that a reason why such laws should be modified in order that they might no longer remain a dead letter? The leaning of juries to the side of mercy was another argument for the alteration, because the mitigation of the excessive severity of the laws was in such cases produced sometimes by what should be deprecated by every legislature—perjury, however it may be defended from a consideration of the motives. The hon. gent. had asked triumphantly what punishments were to be resorted to; but if he had read the bill, he would have been enabled to answer that question by all that appeared on the face of the bill. He would have seen the discretion to be given to judges to change transportation for solitary confinement. However solitary confinement might appear worse than death to a person who could be guilty of premeditated crimes, it would have a good effect on the interests of society. The individual would not be lost to the community; he would come forth from confinement a better man than he entered it; and, as in the case of hanging or transportation, the effect of the example of punishment would not be lost to the public. He should most heartily, therefore, support the motion of his hon. and learned friend, who, he trusted, would not be diverted by any interruptions from the career of humanity he was pursuing.

Mr. *D. Giddy* begged leave to submit to the House the few observations that occurred to him on this subject. If he felt any difficulty upon the measures then in progress through the House, it would arise from considering a part of that general system which had been alluded to by the hon. baronet, and characterised as a career of humanity. He was not friendly to any great or violent changes. It had always been his practice in that House, to steer a middle course between the conflicting opinions respecting public measures. That course he was aware was not the way to effect any thing brilliant, either in that House or out of it; but then he was inclined to prefer what was useful to what was splendid. In the pages of the hon. and learned member (sir S. Romilly) he found it stated, that to the discretion proposed to be allowed to judges, nature had assigned one limit. For his own part, if they could be sure, that juries would be competent to sift and ascertain all the circumstances of each case that might be brought before them, so as to be enabled to decide according to its real merits, he should feel no objection at leaving juries in possession of full discretion. But when it should be considered from what description of persons juries were usually chosen, it must be obvious that they would be as liable as any other body to fall into error. In stating what he felt upon this point, he did not wish to shelter himself from any construction which might be put upon his use of any particular expression. He was not afraid to add therefore, that in his view of the subject a certain degree of arbitrary discretion appeared necessary, absolutely essential, in all administrations of justice. In admitting this, however, he must also state, that this arbitrary discretion should not be unlimited. If all the difficulties on this head could be ascertained, then the House could attain the perfection of human jurisprudence; and if such perfection was desirable, it must be obvious that approximations to it must also be desirable. He thought that in some instances this discretion was carried too far. If it were admitted as a principle, that in the case of crimes of difficult detection, the quantity of punishment or the deterring principle should be greater, it would follow, that in crimes of easier detection the quantity of punishment should be less. It was not his intention to go into any of the more heinous offences to apply this principle, but confine himself to the more ordinary offences. Sheep-stealing he thought very properly punished with death; because, considering the manner in which sheep were fed upon extensive downs, the exposure to depredation, and the difficulty of detection, such a severe punishment was necessary for the sake of preserving the vast quantity of wholesome food and warm raiment for human use. It was his opinion too that all circumstances of aggravation or mitigation should be attended to in the apportioning the punishment;

such, for instance, as the case of actually forcing the door, or striking the blow, circumstances at present attended to in proclamations. Such circumstances would unquestionably have effect in deterring from the commission of crimes under such aggravated circumstances. The necessity of allowing a discretion in these cases flowed from the imperfection of the human powers of judgment. But whether the discretion was to be given to the judge or the jury, as far as he could form an opinion, he thought it should be left to the judge. When the House considered the manner in which the judges, not alone of the present day, but for many years back, were selected from a description of persons against whom no reflection could lie, he was persuaded that it would be evident the discretion could no where be better placed. He would much rather see it lodged in their hands than with juries, unless it could be made subject to definite rules, and juries should be found enlightened enough to discern and decide upon the actual merits, upon a comprehensive view of all the circumstances of each case. But though a friend to discretion under the qualifications he had stated, he should never accede to the establishment of unlimited discretion in any quarter. He should here enter his protest against the general principle of any extensive alteration, at the same time reserving to himself the right of agreeing to such parts of the measures of the hon. and learned member in which he could, consistently with his views and principles, concur. He was convinced that any reformation to be beneficial must be made in the detail; and whilst he entertained that opinion, he must at all times oppose any large or extensive steps towards an object which, in his view, was only to be gradually attained. Though he respected and admired the laws of England, he should never suffer his veneration for them to induce him to resist any measure, which might be brought forward for their actual improvement.

Mr. *Windham* conceived the present to be a question if, where guilt was found, execution of the sentence annexed must follow as the necessary consequence. This it was impossible ever to lay down. Such a doctrine would require certain and precise rules of proceeding, which it would be impossible to lay down as applicable to every particular case. He proceeded to notice the different arguments in the publication of sir S. Romilly on this subject, from the greater part of which he expressed his dissent. He denied that a man was ever punished because he had been guilty of another crime, different from that on account of which he was tried; or that, in the language of his hon. and learned friend's pamphlet, the person so condemned suffered not for the crime of which he was found guilty, but for another of which he laboured only under the suspicion. It was an old and a true saying, that the last feather broke the horse's back, but he presumed, it would hardly be said that a feather would break a horse's back, if there was no pre-existing weight imposed on him. In this view did he regard the argument now used by his hon. and learned friend. He conceived that laws were originally made, not so much for the punishment, as for the prevention of crime. Intimidation, he maintained, was the best method of effecting this. His hon. and learned friend seemed to argue that no sentence ought to be passed which should not be executed. But was it possible to lay down such a rule? It was impossible to judge of any case till it actually occurred; but to apply the argument of his hon. and learned friend, it would be necessary to look to cases known and unknown. It was possible to distinguish things obviously different in themselves, but it was impossible unconditionally to provide for different degrees of the same species of offence. The right hon. gent. proceeded to allude to a bill which, he understood, was once more to come before them, for preventing cruelty to animals, on which no two men could have the same feeling for any considerable period of time, and on which no one man could think alike for half an hour together. He could not help looking with an eye of jealousy on all such visionary schemes, which had humanity and justice for their ostensible causes. What had we witnessed within the last twenty years? Had not the French Revolution begun with the abolition of capital punishments in every case; but not till they had sacrificed their sovereign, whom they had thus made the grand finale to this species of punishment. When he looked, however, to the millions who had since fallen in the course of the Revolution, he could not but regard all schemes of the kind with an eye of jealousy. He asked, therefore, if such a system as this was, without consideration, to be put up against that of Dr. Paley?

The *Master of the Rolls* said, that it was a principle which was agreed to on all hands, that the prevention of crimes was the object of punishment; and the question only was, whether the plan proposed by his hon. and learned friend (sir S. Romilly) would not be, in all probability, more efficacious for the attainment of that object, than the system of criminal laws which now exists. If it were only equally efficacious with the existing system, every body must prefer it, as producing the same effect by means less severe; but it appeared to him that it would not only be as efficacious, but probably more so. It was evident that either the law or the practice must be wrong, and whichever was wrong ought to be remedied. Now the practice of not inflicting the punishment denounced by the law, came every day before the observation of the public, and under the inspection of parliament, and yet no fault had been found with it. There was no disposition to censure the judges, or his Majesty's advisers, for not putting the law in execution. It therefore did appear to him to be most clear that in the public opinion the laws appeared too severe in their punishments. It was wrong, in any country, that the laws should be in direct opposition to public opinion; but it would be particularly improper in this country, where offences are tried by a jury, and where laws contrary to the general opinion were not likely to be well executed. There, in fact, appeared to be an universal confederacy in this country against the criminal law as it now stands. In the first place, the juries, notwithstanding the paucity of executions, still were unwilling to trust the lives of the prisoners to the discretion of the judge, but took hold of every possible circumstance to acquit them of the capital part of the charge. Next came the judges; and lastly his Majesty's advisers, who were all anxious to spare the lives of those who had been capitally convicted. It therefore appeared to be generally agreed by all men, that the punishment of death was much too severe for the generality of offences against which it was denounced. If intimidation would absolutely prevent crime, the punishment of death might be held out for the most trifling offences; but it was well known that the terror even of death would not altogether prevent the commission of crimes. Juries were now in a manner forced by the severity of the law to take upon themselves a discretion which the law never intended to give them. Even the sanctity of their oath was sometimes obliged to yield to the feelings of nature, and they were guilty of what had been sometimes called a pious perjury, to acquit a prisoner. The fault was in the law as it now stood; for every law must be faulty which acts so decidedly against the feelings of the whole country. He did not mean to say that the law should in every case be carried into strict execution, nor would he wish that his Majesty should be deprived of the power of granting pardons. He thought, however, that pardons should be only exceptions to the general rule, and that it was by no means right that the general administration of the criminal law of the country should be founded on the King's pardon, whether his Majesty was advised by his judges or his other advisers. He never could conceive how he could agree to passing any law unless it were his intention that it should be generally executed. It had been urged, that in the plan proposed by his hon. and learned friend (sir S. Romilly) there was a considerable degree of discretion given. It was true that there necessarily was a considerable degree of discretion, but then it was a discretion of a very different nature. It was not a discretion going to life or death, but merely of proportioning the gradations of a certain sort of punishment to the gradations of crimes. In capital punishments there was no possible gradation; and he thought it too much generally to leave the life or death of persons convicted to the mere discretion of the judge. It was this which induced juries so often to acquit prisoners when there could be hardly any doubt of their guilt. If, however, a milder system should be introduced, there would be no longer so much repugnance to prosecuting offenders, or so much disinclination to convict them. He therefore approved of the principle of the bill of his honourable and learned friend, and thought that an experiment of that sort might very safely be tried. He thought that it was better calculated than the present system for preventing crimes, by rendering the punishment more certain. He therefore should support the bill.

The *Attorney General*, confining himself to the particular bills before the House, maintained that, as far as his experience went, parties were not, by the existing law, restrained from prosecuting, nor juries from finding the fact. He argued that the law was already armed with all the power given by this bill, and so far executed, that although felons of this description were often exempted from death, they were still transported, imprisoned, &c. Thus the law, as it stood, had all the power of punishment and prevention given by the bills, and the power of death in addition. He argued that the possibility of inflicting death did operate as a prevention; though he, and others who thought with him, laboured under a disadvantage from not being able to produce instances, because what was prevented was never seen. He maintained that these cases were often attended with circumstances which rendered it extremely proper that there should be a power of inflicting the punishment of death; and he illustrated this by cases which he had seen on the circuit in the early part of his life, where the dwellings of poor cottagers had been plundered while they were at their labour. The situation was different in originating a law entirely from that of proposing a repeal of an old law on the same point; unless experience proved the old to be pernicious it ought not to be altered on mere theory. He denied that experience had proved the existing law to be pernicious or inefficacious. The judges, who must be best acquainted with its practical effect, had not been consulted, or, at least, they had not given their sanction to the proposed change. Conceiving that no particular good would result from this change, he was adverse to the bills.

Mr. *Morris* maintained, that it was notorious that parties were often prevented from prosecuting, and witnesses from coming forward by the severity of the existing law, and that juries were often obliged to have recourse to a pious perjury, as it had been called. It was unnecessary for him to state the importance of not relaxing the obligation of an oath; he was for leaving this amiable weakness, or pious perjury, or whatever it might be termed, to the circulating libraries, and for keeping it out of the courts of law. These bills were brought forward as a remedy against existing evil—an evil which every one in the habit of attending on criminal courts must know to exist. The discretion as to the infliction of death the judges would, he believed, very readily dispense with. It was one which they felt the most painful anxiety in exercising.

Mr. *Frankland* said, that entertaining as he did the highest respect for the talents and motives of his hon. and learned friend, he could not agree with him in his views of the subject before the House. He wished that his learned friend, previous to the introduction of his series of bills, had consulted those who were best competent to give him information. However sanguinary our criminal code might be in appearance, there was not upon its practical application so mild a system under the sun. In fact many of our laws were only preserved *in terrorem.* They were like a blunderbuss and rattle in the window of an honest citizen retired into the country; kept there to frighten away the thieves, and from which a shot might not have been discharged in twenty years. He contended against the repeal of the law against stealing in a shop; the existence of which was absolutely necessary to protect the justifiable artifices employed in the exposition of goods. In a commercial country like this, such laws were necessary, for property could not be safe without them. He was adverse to weakening the penal code, the effect of which would be more mischievous than the House was aware of. He was persuaded it would be better to leave the application of the criminal laws to the conscience of the juries, the discretion of the judge, and the royal mercy, whenever it should be necessary. There was a discretion of punishing desertion with death in the military code, and yet hardly one out of 100,000 deserters was put to death. In a country where political and personal freedom was so much enjoyed as among us, our criminal statutes must of course be numerous and severe. These multiplied punishments were part of the price we paid for our liberty; they were counterbalances that must unavoidably take place. By altering our criminal system, or disturbing it in any material degree, we should destroy those high and lofty sentiments which were the best safeguards of our constitution. He thought the code might be safely allowed to remain as it was. It was less formidable in effect than appearance. It prevented crimes without recurring to punishment. No other system he was persuaded would answer the great end of legislation so well. He argued, that the penal laws of England were necessarily more severe than those of other countries, because the controul and suspicious watching of private actions was less rigid. Such a system of suspicion was utterly inconsistent with the feelings and liberties of the people of this country, and therefore the penal law must be more severe. In other countries the armed man was every where, and he himself had seen him among a crowd of young people at a ball, and interfering to tell one of the dancers, that he must not turn his partner that way. Our code had grown out of the commercial system. Forgery was formerly but a larceny; but the security of property made it necessary to punish it with death. He deprecated these alterations of the law, as attended with the worst effects. He therefore felt it his duty to oppose the bill.

Mr. *Wilberforce* observed, that the greater part if not the whole of the argument used by the gentleman on the other side, would apply more correctly to any measure for the establishment of a totally new system of police than to the bill under consideration. But, even supposing this bill involved a proposition for the diminution of capital punishments generally, could gentlemen put the test of that experience, upon which they professed so much to rely, against the propriety of such a proposition. How did experience argue upon this question? Why, that the infliction of capital punishments had become comparatively infrequent and unnecessary. In the reign of Henry 8, the number of capital punishments was at the rate of 2,000 per annum; in the time of Elizabeth it fell to 400; and, he understood, that of late years since the Revolution, a very small proportion of those who were sentenced ever suffered death. From this he inferred that such a punishment had been found in great part unnecessary; and why then should the power of inflicting it be allowed to remain in so great proportion of our penal laws subject to the discretion of the judges, and subject also to all the inconveniences which had been already stated with regard to prosecutors, juries and witnesses, and the frequent impunity of guilt in consequence of the excessive severity of punishment? As to the measure before the House, the plain question was, whether the offence described was of that nature to which the punishment of death ought to apply? And he was fully prepared upon the fullest deliberation to decide in the negative. Out of 1,000 sentenced only one being executed, it was clear that the law was unnecessary, and that the exception was the rule while the rule was the exception. Instead of severe punishments which had no effect in preventing the repetition of crimes, or promoting the amendment of criminals, he would strongly recommend the general establishment of the system of penitentiary houses—not only with respect to this case, but to many others; he could not help considering the severity of our penal code as inconsistent with justice and humanity, as a disgrace to the character of the country. So much indeed was his right hon. friend, now no more (Mr. Pitt) persuaded of the rectitude of this opinion, that to his knowledge that distinguished person had it in contemplation to commit the whole of our penal code to the revision of some able lawyers, for the purpose of digesting a plan to lessen the sanguinary nature of its punishments, and the knowledge of this circumstance ought to have considerable weight with those who respected the opinion of that great man. To the able and eminent lawyer who had undertaken this revision, and who had brought forward the bill under discussion, he for one would declare, as he felt the most unfeigned thanks, and he could not avoid adding the expression of his regret, that his hon. and learned friend was not in his benevolent undertakings more adequately supported.

Mr. *Solicitor General* cordially agreed with his hon. friend, that the law of the 19th of the King, which, though dormant, would not, he hoped, be inefficacious, and which provided for the amendment of criminals by their confinement in penitentiary houses, ought to be put in force, in order to prevent the contagion of vice, and to render it practicable for a criminal to come out of confinement an amended subject and capable of returning to an honest course of life. His hon. and learned friend, in whom the discussion originated, contended that the present law, by holding out the punishment of death, augmented the evils which it professed to diminish. With all his respect for his hon. and learned friend, he must say that his own experience, confirmed by the opinions of those who were the best qualified to judge upon the subject, was directly the reverse. Would any one state a case in which a prosecutor had been deterred from proceeding for fear of bringing the criminal to a capital punishment? (Hear, hear!) It might be so; but until such a case was stated to him he would not believe its existence. If a prosecutor were desirous of avoiding the capital part of the charge, he had nothing to do but to abstain from stating that the robbery took place in a dwelling house, or that it amounted to 40*s.* in value. It was an exaggeration therefore to say, that the present law led to perfect impunity. It had been said that the law induced witnesses to perjure themselves. This was all imaginary, and he was sure that no practical man would state that as his opinion. He allowed that juries might occasionally be inclined to indulge a latitude in valuing the articles which were the subject of a prosecution. This was exclusively censurable, but what followed? Perfect impunity? By no means. The criminal was subject to the same punishment as he would be were the offence made a chargeable felony. To take away one description of punishment would not lead to a greater certainty of punishment; and he was persuaded that no one who was conversant with the administration of criminal law would contend that the terror of capital punishment, however surely inflicted, did not deter from the commission of crime. He instanced several cases in which criminals had speculated on their crimes being only transportable offences. But it seemed the dread of a capital punishment was to operate on a prosecutor, on witnesses, on the jury, on every body but the individual tempted to commit the crime. Was that a rational supposition? The theory of his hon. and learned friend was directed against the whole system of discretion in criminal law, and if adopted in one case must be adopted in the rest. He admitted that it would be very beautiful if the law could be so contrived, as that a precise punishment should be proposed for every individual offence, without leaving any thing to the discretion of those by whom the law was administered. But although this would be very beautiful, it would be wholly impracticable. All that could be done in practice was to have generic description of crimes. The peculiar circumstances of aggravation on the one hand, and of extenuation on the other by which every individual case was marked, as they could not be foreseen, could not be embodied in the law. Let any one try his hand at such a particularization, and he would soon find the impossibility of it. Even could it be accomplished, so far from insuring a certainty of punishment, it would give the criminal the greatest opportunities for escape, both in the mode in which the indictment must necessarily be drawn up, and in the hesitation which juries would entertain in consequence.—Under all the circumstances he thought the present system better than that proposed to be substituted.

Mr. *Canning* conceived the whole system of our laws to arise from certain circumstances, which from time to time, had pressed upon the notice of the legislature, and seemed to render the enactment of such laws necessary. If any one had found its way into the code inflicting too severe a punishment for a crime, which, from its frequency at the time the act was passed, might seem to call for such severity, it did not follow that such a law should be continued in force to the end of time, or at periods when the crime had ceased to be frequent. If the hon. gent. had proposed a Committee to revise the whole system of our criminal laws, he should then have approved of the observation of his hon. and learned friend (the solicitor-general), and have thought it would not be well thus to risk shaking the whole system of our laws. It was clear that a discretionary power must still continue to be vested in the judges, and the question before the House was not, whether they should extinguish that power, but how far it might be proper to limit its range. No man could say it would be extinguishing the power to impose limits to its range. The whole amount of the change went to take from them the power of dispensing life or death, and to that he could see no objection. Whether or not the existence of the punishment of death were absolutely necessary, it could not prevent the commission of the crime. The opinions of the various high law authorities appeared to be paired, he might therefore be justified in forming his own. His hon. and learned friend (the solicitor general) had said it was strange that the severity of the punishment should produce so great an effect on all but those on whom it was to be inflicted. The ill-regulated mind of a hardened sinner inflamed by the prospect of gain, would, from the unfrequency of the inflicting of the punishment denounced by the law, more readily brave the danger thus incurred, than a well regulated mind would risk the possibility of condemning a man to death unjustly. It had been said that though the capital punishment was seldom inflicted on such offenders, they did not escape transportation and other punishments. This was true, after conviction the parties did not wholly escape; but in the two previous stages there was the chance of death, or of total impunity. It would be desirable to remove from juries any temptation to perjury, however benevolent their motives might be; and it would be better not to persevere in a system affording such facilities for escape, but doing away the severer punishment increase the probability of the offenders being visited by the lesser. In acting thus, they would run no risk of shaking the whole system. No dread of innovation could be felt equal to that which might have been entertained when the law was made, after it had been seen that in the course of a century the crime and the punishment were so seldom found together.

The *Chancellor of the Exchequer* did not agree in the justness of the criticism passed upon the speech of his learned friend (the solicitor-general), by his right hon. friend who spoke last, in the proposition put by the last speaker. He argued from the case of the hardened offender against the scruples of an humane juror; but it was not the hardened offender they wanted to deter, but those who had not, perhaps, been actually guilty of any offence. He denied that the opinions of legal men were poised upon the practical good consequences of the law as it now stood. It was unsupported by the authority of one single judge or magistrate, or the hon. gent. who brought the subject forward would have strengthened his own opinions by stating that circumstance to the House. He did not think the bill would have a tendency to prevent the commission of the crime; if he did he should think it a good bill. He did not know that there were any reasons for believing that more persons were deterred from prosecuting than from committing the offence by dread of the punishment. His right hon. friend seemed to think it a most extravagant idea of the solicitor general's that those likely to offend were as likely to dread the punishment, as the juries who decided on their case, from the difference between the mind of a hardened sinner and a well regulated mind. Was it only the hardened sinner on whom the severity of the punishment could be wished to produce an effect? Was it not equally to be wished that those who were not hardened might be deterred from committing such offences. And might not that effect be supposed to result from the severity of the punishment. The prosecutor and the juries might be affected by the severity of the punishment, but he did not believe the felon would commit an offence from an idea that that circumstance would screen him from punishment. If such inconveniences arose from the conduct of prosecutors and juries, might not the end of the hon. gentleman be answered by increasing the amount necessary to constitute a capital offence. It was easy to bring forward instances of prosecutors being unwilling to subject an offender to a punishment so severe; but it was not so easy to bring forward those instances when persons disposed to commit such an offence had been deferred by a dread of the punishment. Prosecutors were ready enough to come forward with statements, but those who had been tempted to offend would keep their secret for their own sakes.* The 1,800 cases mentioned to prove the defective state of the law, went to establish its perfection, as in all those cases the severity of the sentence had been ameliorated, and the appropriate punishment inflicted. This proved at least that the execution of the law was not so much too severe. It should seem that the severity was rather in the amendment, as its object was not to get rid of severity of punishment, but merely of severity of denunciation. The effect of the bill would be to make the offence more frequent, and he cautioned those who might be disposed to support it, lest in consequence it should become necessary for them again to have recourse to the legislature, and not only revive the law, but put it in execution.

Sir *S. Romilly* replied at some length to the imputations which had been thrown on his conduct. One hon. gent. had supposed he wished for the introduction of something like the French police, and another a something like the French Revolution, and then an appeal had been made to his humanity for the sake of those millions who might fall in consequence of the supposed changes he might cause. He hoped gentlemen would not oppose the bill because they might differ from him in sentiment upon other things. He wished them to consider what the law is at present, what the proposed amendments were, and only judge the bill from its individual merits. It was not, as had been said, founded on theory, but on practice. House robbing, he had asserted, had considerably increased for some years past. This no one had thought proper to deny. He could only impute this increase to the circumstance of the law not being enforced. It had been said to disprove that, that the prosecutor not wishing to cause the death of the offender, might prosecute him for a minor offence. It was not proper that it should thus depend upon an obscure individual whether or not a man should be tried for his life. In those cases where the hon. gent. opposite thought the offence the greatest, that of servants robbing their masters, the parties oftenest escaped.—He knew of instances of that nature. He knew too that juries in many cases doubted where no doubt would exist, if they were not averse to punish with such excessive rigour. —A year ago a woman was tried at the Old Bailey for stealing a 10*l.* note from her master. She had stolen nothing beside, except the box in which it was enclosed, which was worth but a penny. The jury convicted her of stealing to the amount of 39*s.* and thus sunk the capital part of the charge. Many similar cases might be found in the recent session papers. Juries ought not thus to be led to slight their oaths. Judges had also been thus influenced; they had frequently carefully avoided asking the value of things in order to shun the capital part of the charge. He denied that the system had been of so long standing as the solicitor-general had asserted it to be. In support of this he cited lord chief justice Hale. Dr. Paley, to whose authority the solicitor-general attached so much importance, spoke of the certainty of punishment as being more likely to deter men from the commission of offences than severity. He wished the laws to have effect, as those who from their irregularities were most likely to offend might thus be restrained.—It had been said, that he had the authority of the judges against him. The judges generally had expressed no opinion upon it; but their known practice in screening through motives of humanity, the culprits before them from the capital part of such offences, was an evidence in favour of such alteration as he now proposed. He had never said that no discretionary power should be held by the judges, but he had said that that power ought to be as circumscribed as might be. The frequency of executions took away from their effect, and rendered them more cruel. No one could witness the ceremony of passing sentence of death upon criminals, and hear the solemn prayer with which it concludes, without being affected, were it not considered as being an idle form. Not one-tenth part of those thus sentenced to death being executed, it almost degenerates into a solemn mockery. The individuals knowing this, still continued to be buoyed up with hopes of escaping, each hoping it will not be his fate to suffer, till at length the fatal order arrives, and he, all hurry, has little time to prepare for that world into which he is about to pass. Sir Samuel concluded a very energetic speech, defending his general conduct, and denying that he had published his pamphlet merely with a view of gaining reputation or popularity.

A division took place, when the numbers were—

For the bill	31
Against it	33
Majority against the bill	—2

List of the Minority.

Abercromby, Hon. J.
Bernard, S.
Babington, T.
Brougham, H.
Canning, Rt. Hon. G.
Creevey, T.
Combe, H. C.
Folkestone, visc.
Grant, sir W.
Grenfell, P.
Hutchinson, hon. C. H.
Lambe, hon. W.
Leach, J.
Lemon, sir W.
Lemon, J.
Macdonald, —
Marryatt, J.
Maule, hon. W. R.
Milbanke, sir R.
Moore, P.
Morris, G.
O'Hara, C.
Parnell, H.
Pigott, sir A.
Romilly, sir S.
Sharpe, R.
Smith, W.
Stephen, J.
Taylor, W.
Taylor, M. A.
Thornton, H.
Wharton, J.
Wilberforce, W.

HOUSE OF COMMONS.

Wednesday, May 2.

[Middlesex Petition for the Release of Sir F. Burdett, &c.] Mr. Byng presented the following Petition, unanimously agreed to at a numerous meeting of the freeholders convened by the sheriff, at Hackney, on the 26th of April.

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled. The Petition of the Freeholders of Middlesex, agreed to in full county this 26th day of April, 1810.

"Sheweth; That we have observed with concern, that in the cases of Mr. John Gale Jones and sir Francis Burdett, bart. your House assumed and exercised a power unknown to the law, and unwarranted by the constitution.

"Your Speaker's warrant has been executed by military force; an Englishman's house, his sanctuary, has been violated; and the blood of unoffending citizens has been shed in the streets.

"Against the existence, as well as the exercise of this power, we solemnly protest—a protest the more necessary, because your votes in its support are entered on your Journals—not so the Letter of sir Francis Burdett to your Speaker, denying you such jurisdiction.

"In the early part of this reign, in the case of Mr. Wilkes, the rights of this country, and of the nation, were repeatedly and grossly violated by the House of Commons. At length the law triumphed. After a struggle of nearly 20 years, the House abandoned the pretensions they had arrogated, and 'expunged from their 'Journals all their declarations, orders, 'and resolutions, as being subversive of 'the rights of the whole body of electors 'of this kingdom.'

"You have, during your pleasure, deprived the citizens of Westminster of their share in the representation of the public at large, of the exertions of a faithful servant, in whose ability, firmness, and integrity, they pre-eminently confide.

"We view with jealousy and suspicion the shutting up sir F. Burdett in prison, when the attention of the nation is directed with anxiety to his intended motion for a Reform in the representation of the people in your honourable House; that House in which the traffic of seats has been avowed, in the case of Mr. Perceval and lord Castlereagh, 'to be as notorious as the Sun at 'noon day;' a practice, at the mention of which, in the emphatic language of your Speaker, 'our ancestors would have startled with indignation.'

"We, therefore, pray you to follow the example of your predecessors, 'to expunge all your declarations, orders, and 'resolutions on the subject, as tending to 'the subversion of our liberties,' and to the introduction of a military despotism, and to recall sir Francis Burdett to the service of the country in Parliament, that he may there enforce that plan of Reform which last session he so powerfully recommended, and which, in our opinion, is absolutely necessary for the stability and honour of the throne, and the safety and well being of the people.—Signed, in the name and on the behalf of this Meeting."

Mr. *Byng* then moved that the Petition do lie on the table.

Mr. *Mellish* rose, to signify, that although he should second the motion of his hon. colleague, he did not feel himself bound to support the Petition.

The *Chancellor of the Exchequer* moved that the Petition be again read by the clerk. It was read accordingly. After which the right hon. gent. again rose, and said, he was sure, that, from the conduct he had observed on a former day, when a petition was presented to that House (from the electors of Westminster,) containing expressions so strong and so reprehensible, the House would not consider him as indisposed to entertain a petition coming from any individual or class of his Majesty's subjects, if couched in terms at all consistent with the respect due to the House. However convinced he was that the petition upon that occasion contained some expressions that ought to have been omitted, he did not object to let it lie on the table. He trusted the House would see from that instance, his earnest wish to recommend to them every possible forbearance, consistent with the maintenance of their own dignity; but when he considered the language of the present Petition, he conceived it impossible to consider it in any other light than that of a deliberate and unparalleled insult to the House. He did not conceive that the object prayed by this Petition was of itself a sufficient cause to warrant its rejection. But he would appeal to the House upon this plain question, whether there was any member who heard this Petition read, that did not conceive it to be rather an experiment to try how far the forbearance of the House would go in the sufferance of language such as it contained; or whether it could have any other object than to insult, when it went to a direct and a declaratory censure, from the mere authority of the petitioners, upon the conduct of that House, in exercising its authority towards the person named in the petition, by committing him to confinement for a violation of its privileges. Upon that part of the Petition which commented upon the manner in which the officer had proceeded in executing the order of the House, he should at present forbear to say any thing, as any error or irregularity on the part of that officer in executing the warrant committed to him, might be a question for the future consideration of the House. But the Petition, in other respects, was totally different from the style and language of petitions presented to Parliament. It did not appeal respectfully to the authority of the House. It did not ask for any revision or reconsideration of the circumstances of which it complained; but the petitioners protest against such an exercise of the privileges of the House, and charge it with assuming and exercising powers contrary to law. The measure which the petitioners urged might take place at some time, if the wisdom of Parliament should deem it fitting. But was the language of a petition, from any class of subjects, to charge that House with assuming illegal privileges, or to dictate to them how they should act in the exercise of their rights and privileges? There was nothing in the Petition which approached in any degree to the character of a respectful appeal to the authority of Parliament. It did appear to him, therefore, that considering the language in which a former Petition was couched, considering the language held out of doors to depreciate the character and authority of that House, and seeing in the language of this Petition a proof that the forbearance of the House from time to time served but to encourage new insult, it was high time that a line should be drawn somewhere, and the present was a fit occasion for that purpose. He therefore submitted to the discretion of the House, whether the present Petition, for the causes he had stated, ought not to be rejected.

Mr. Alderman *Combe* said, he understood the Petition was unanimously voted by a very numerous and respectable body of freeholders; and as he did not know to what consequence its rejection might lead, he should vote for its reception.

Mr. *Calcraft* hoped, as it was his intention to vote for the reception of this Petition, he might be permitted to state the grounds for that vote. The hon. member who had just spoke, had said the Petition was unanimously voted by a very numerous and respectable meeting of freeholders; but it did not therefore follow that the House should receive a Petition couched in improper and offensive language; and such language would determine him to oppose the reception of such a Petition, however numerously, unanimously, or respectably it might have been voted. He did not, however, view the present Petition in the very objectionable light stated by the right hon. gent., and should therefore vote for its reception. The right hon. gent. had professed his own unwillingness to adopt any step that might have the appearance of impeding the right of petitioning that House; and he instanced his forbearance in the case of the Westminster Petition, in which he stated that there were many expressions highly objectionable, and which ought to have been omitted; but for his part, he thought that Petition was couched in such terms as the House of Commons ought not to reject. The present Petition, though not couched precisely in the same words, was pretty much in the same manner, and in his mind ought not to be rejected for the sake of a coarse word or phrase hastily adopted. He thought it the duty of the House of Commons to throw open a wide door for petitions, instead of evincing a disposition to reject them upon the mere ground of a vulgar or objectionable word. When he considered how the House of Commons was composed, and the opinion generally entertained by the country, of the state of the representation, if something was not done to reform that representation, the House must expect to find the language of petitions not very flattering. The present petition he did not think such an one as ought to be rejected. There were several petitions received before by the House, containing expressions full as strong, and yet they were not rejected upon that account; and so long as these abominations were suffered to exist, of which the people complained, in the present state of the representation, so long would it be impossible for that House to command respect from the people.

Mr. *D. Giddy* agreed that the doors of the House ought to be opened widely to receive the petitions of all who chose to apply to them in a regular and proper manner. All the argument on this head, however, must fall to the ground, the moment it appeared that any application of the kind was not really a petition, but a paper by which it was sought, in a covert manner, to insult the House. The petitioners, in this case, had dressed up as a petition, a paper, not by which they expected any redress of grievances, but by which they presumed to dictate to the House what they chose to think right. As to any reform, or rather to an alteration in the constitution of that House, he had no hesitation in declaring his opinion, that it would not tend to the advantage of the people. He objected, therefore, to gentlemen taking that for granted which had not been proved, and was not conceded to them. As to the words of the petition, they were disrespectful in the highest degree. It did not contain such a prayer as the petitioners could, by possibility, expect to be granted; and to allow it to lie on the table would only lead to the presenting of others still more offensive. The House must make a stand against such a practice at some time or other, and it was better to do so now than at any after period. It had been said to be a respectable meeting, but gentlemen saw enough of what was to be expected from such meetings in the neighbourhood of populous towns, and the spirit of this meeting might be judged of from their refusing to hear a gentleman of the highest respectability, a member of that House (Mr. Mellish), on his attempting to deliver his sentiments on the subject. This circumstance did not add much to the argument derived from the unanimity of the meeting.

Mr. *Hawkins Browne* thought the words of the petition shewed that it was not the object of the petition to procure the liberation of sir F. Burdett, a reform in parliament, or any other specific object. The petition was only made the vehicle of conveying a gross insult to the House, and a dogmatical denial of its privileges. The petition from Westminster was capable of receiving a more favourable interpretation. The present was not. It was becoming in that House to be moderate; but when moderation produced only insult, then it became the House to assert its dignity. He thought the House might by a former occasion have adopted the more moderate course; but now it was necessary for them to support their proceedings.

Mr. *Hibbert* said, that the petitioners were not, like the majority of that House, convinced of the constitutional authority of its privileges. They, on the contrary, denied that authority, and more particularly questioned the legality of those acts in which it had recently been asserted. Allowance was to be made for men warm with such a subject; but he should be sorry if the warmth which might have found its way into some expressions of their petition, should be caught by the House in commenting upon those expressions. The passage which had been so much objected to, would be found at last to be no more than the most brief, abrupt, and somewhat coarse declaration of the opinion of the petitioners, which they must either have indulged, or have no ground for petitioning at all. There was another consideration, and he begged to address it to the feelings of the House. This question of privilege of Parliament was, it seemed, one, which could not be easily submitted to any other tribunal than that of Parliament itself. In proportion, then, as the subjects of the realm found the means of its legal discussion narrowed, in that proportion should Parliament open the doors to any appeal made to itself upon the subject, and not too scrupulously weigh the terms in which such an appeal was made. For these reasons he should vote for receiving the petition.

Mr. *Barham* wished, as the present was a question of very great importance, that time should be given for consideration, and that there should be a fuller attendance of the House than there was at that moment. If such a discussion had been expected, he was satisfied the attendance would have been fuller. He should therefore move that the debate be adjourned till to-morrow. If pressed for an immediate opinion, he must say that he was against receiving the petition.

Mr. *Grenfell* seconded the motion of adjournment.

Mr. *H. Sumner* conceived the paper now under consideration had nothing in it of a petition but the name. Such a practice ought to be checked *in limine;* and he saw no occasion for delaying till to-morrow what they ought to do to-day. A worthy alderman was afraid of the consequences of refusing such petition. For his own part he had no fear of the kind.

Mr. *Lambe* was of opinion, the House had already gone too far to talk of stopping *in limine.* They had already received a petition, which was at least sufficiently strong. He could not in his own mind conceive any thing stronger than the petition by the inhabitants of Westminster, who had told the House that they had offered a gross indignity to them. He thought the House had better agree to the proposition of his honourable friend, that they might deliberately consider how far they would allow that power to be stretched, which certain persons had instilled it into the minds of the misguided people they had a right to carry to any length, by filling them with wild and absurd ideas of their rights. Though he was a friend to petitioning, this was a petition which he was inclined to think ought to be viewed with more than usual strictness. There was a disposition to deny that the House, as it was at present constituted, afforded a legal representation of the people. Against such a doctrine he protested, and contended that it was equal to the discharge of those duties which it owed to the country in the consideration of its affairs both abroad and at home. He felt infinitely more disposed, on a question of this kind, to coalesce with those who entertain this opinion, than with those who thought the representative system entirely corrupt, and that it should be destroyed. He agreed that the terms in which the Petition was conceived were extremely offensive; but they might be found, at the same time, to be only a repetition of what had found its way into so many other petitions. He thought it better, therefore, to assent to the proposition of his hon. friend, that the debate should be adjourned.

Mr. *Wardle* could not agree that any insult was meant to be offered to the House by the present petition. The petition which had been received from Westminster contained no prayer; the present contained not only a prayer, but an earnest request that the House would comply with the object of the petition. He had used the freedom in that House to go to the full length the petitioners now did, in expressing their opinion. These sentiments he still, with submission to the House, entertained. He had presumed to deny that parliament had the right which it had assumed and exercised. He had been allowed to express that opinion; and he submitted that the freeholders of Middlesex had the same right to express their opinion on the subject. It was quite possible by strong resolutions to insult the House in the grossest manner, while, at the same time, the petition to be presented to them should be conceived in a way which might escape notice. The petitioners here had only candidly declared their opinions, as subjects of this country were entitled to do. To his (Mr. Wardle's) mind, these sentiments were true throughout. He trusted, therefore, that the petition would be received.

Mr. *Abercromby* was of opinion the petition ought to be received, because he did not think the words were such a departure from the respect to the House as should warrant them in rejecting it. If the petitioners were of opinion that the House had acted illegally, he did not see in what other terms they could have expressed themselves, than by declaring that such was their opinion. If the House had acted thus illegally, it would be a grievance which it was the duty of the people of England to come forward and complain of in the most determined, though becoming language. Great authorities had their doubts on this subject, though he confessed he had none. He was for receiving the present petition, however, because he thought it was not so offensive as the petition from the inhabitants of Westminster, which had been received.

Mr. *Stephen* thought the words of the petition conveyed a studied insult to the House. It would be strange if this House, the majesty of the people, was the only body in the kingdom which could be libelled with impunity; nay, which receiving petitions insulting to themselves, must be compelled to become the servile instruments of their own degradation and disgrace. If the House were insulted by Resolutions, as an hon. gent. had supposed, even those who denied their right to be judges in their own case, must admit that they might go into a court of law, and there obtain justice; but if they once received on their own table a petition, in which they were insulted, no such redress could be obtained. He agreed, however, with his learned friend who spoke last, in thinking that the right of petitioning should not be broken in upon till every gentleman had an opportunity of reading over the petition and comparing the objectionable paragraphs with the context. He recommended to the House therefore to accede to the motion for adjourning the debate till to-morrow.

The *Chancellor of the Exchequer*, seeing those who agreed with him in principle thought a delay necessary, though he himself was not a convert to that opinion, could have no objection to acceding to it. Now he was on his legs, he begged to explain the difference between the two petitions, and shew that the hon. gent. (Mr. Lambe) was not correct in the deduction he had made. The ground on which the former petition was received was repeatedly stated in the debate, and was precisely this; that as the sentence containing the accusation of a gross insult being offered, might apply to the officer executing the Speaker's warrant, it was but fair to put the most favourable construction upon a petition from the subject. He agreed that they must receive petitions against their acts, but, at the same time, they would take care in what language they were couched. They would take care that they were petitions, and not papers to dictate to the House what they ought to do. They might ask a revision of the judgment of the legislature; but they were not, as in the present case, to set up a petitioner's authority against the authority of the House, and call imperiously for a change, not for a re-consideration. While he, therefore, acceded to the adjournment, he would be ready either now, or at any other time, to contend that this petition, from its language, scope, and design, was such, as they neither could, nor ought to admit to lie on their table, as a perpetual insult.

Sir *John Newport* said, he was of opinion that the debate should be adjourned. He thought the prayer of the petition obviated any objection to the first clauses of it. He only stated this that all parts of it should be taken into consideration together. He would not contend, but that there were strong and wrong expressions in the outset of this petition; but when all parts were compared together, he could not see an objection to its being laid on the table.

Mr. *Byng* stated, that he was at a loss to know how his constituents could express their opinions better than they had done. They conceived the House had assumed a power which they thought was not vested in them. His constituents were more strongly urged to this idea, from the conduct of it, in the case of Mr. Wilkes, where they expunged their former Resolutions, knowing them to be illegal, from their Journals.

Mr. *Hutchinson* said, he would vote for the adjournment. He thought this was a question that formed part of a measure, which had not been yet decided on, and must remain for a decision, until a jury of the country had formed an opinion. It was not his wish to enter into the merits of the point, as it would, in another place, undergo a more able discussion. He hoped it was the intention of the House to meet the question fairly. He could not see the objection to a petition which went to the purpose of bringing forward a most justifiable regulation. If he thought it was the intention of the people to enforce it by violence, he would be one of the first to oppose them; but when they legally petitioned, he would be the first to support them. He wished to know in what statute it was held out to petitioners, how they should word their petition. He knew there was a certain mode of heading and ending it, and with this the present applicants had complied. The paragraph which the outcry of the night bore against, did not deserve it, for it had been assumed by the House, and acknowledged by hon. gentlemen in their places.

The question for adjourning the debate was then put and agreed to.

HOUSE OF LORDS.

Thursday, May 3.

[KING'S MESSAGE RELATIVE TO THE DUKE OF BRUNSWICK.] His Majesty's Message having been read, recommending a provision to be made for his serene highness the duke of Brunswick,

The Earl of *Liverpool* rose to move an Address to his Majesty, assuring his Majesty of the cheerful concurrence of that House, in promoting the object of his most gracious Message. He could not imagine it to be in any degree necessary to resort to argument upon which to ground the propriety of the Address which he intended to move. The House would feel the strength and the number of the claims which the illustrious person to whom the Message referred must be acknowledged to have on the feelings of affection, gratitude, and respect of this country. These claims he might reduce to three heads: the near relationship of the duke of Brunswick to his Majesty; the misfortunes that had befallen him in common with many other of the sovereigns of Europe; and above all, that gallant struggle, and the brilliant atchievements which his serene highness had displayed in the defence of his dominions, and in furtherance of the common cause. He was sensible it would not require any further considerations than those he had just enumerated, to induce their lordships to give their hearty concurrence to the Address he should now propose. The noble earl concluded with moving an Address to the effect we have already mentioned.

Lord *Holland* did not rise to oppose the motion. On the contrary, he was ready to admit the three claims which the noble secretary had set forth as belonging to his serene highness the duke of Brunswick. His object in rising was to advert to the fund from which the proposed provision was to be taken. During the course of the last 12 or 15 years, it had too much been the custom to bring down Messages of that nature; all of which went to impose additional burthens on the civil list. In his opinion, as the misfortunes of the duke of Brunswick had arisen from the extraordinary events of the present war, and the present state of Europe, so ought the relief to be applied to them to be derived from funds which increase in proportion to the extraordinary events of the war. Such were the Droits of Admiralty; and that, in his opinion, would be the proper fund from which to take the provision proposed to be made for his serene highness. It was not only the proper fund from which such provisions should be furnished; but here he was certain that the deriving of it from such a fund would be more acceptable to the feelings of his serene highness, than if it should be taken from the civil list, to which so many aids had of late been granted; but that more attention should be paid to the compact and agreement entered into at his Majesty's accession on this head. He should not press these observations on the present occasion, but merely throw them out as hints to guide the future conduct of the House respecting messages of this nature.

The Earl of *Liverpool* would not enter into any discussion of the general topics dwelt upon by the noble lord, and the more so, as they did not touch on the personal question before their lordships, or to the claims of the duke of Brunswick to the provision recommended in his Majesty's message. He should be ready on any other occasion to meet the discussion of the points to which the noble lord had thought proper to refer.

The motion for the Address was then agreed to.

HOUSE OF COMMONS.

Thursday, May 3.

[MIDDLESEX PETITION FOR THE RELEASE OF SIR F. BURDETT, &c.—ADJOURNED DEBATE.] Mr. *Barham* moved the order of the day for resuming the adjourned debate upon the Middlesex Petition: which having been agreed to, he again rose—He said, that though the attendance of the members was not such as he could wish, considering the importance of the subject before them; yet it was satisfactory to reflect, that any decision to which they would now come, must carry with it greater weight, than if it had been come to on the former night; it could not now be imputed to precipitancy or heat, nor attacked as a proceeding, adopted without consideration, and a mature acquaintance with the subject. Every man must feel himself more happy in voting under the present circumstances, than if he had been driven to a vote in the first instance, before his feelings had time to cool, and his judgment to act. After the lapse of such time, and the advantage of the reflection which it permitted, he was sorry to say, that he felt himself constrained to vote against the petition. He did not wish to throw any obstacle in the way of petitioning, or to limit that right which he considered so essential to the liberties of the people. On the contrary, he was desirous of throwing open the doors of the House as wide as possible, to their complaints and applications; there was no allegation in such petitions into which he would refuse to enquire; no argument to which he would not listen, and there was scarcely any request which he would not be disposed to attend to; but this which was now before them, he felt it his duty to refuse; because it was not a petition, but a protest against the authority of the House; it was not an application, but a menace.—He could not conceive what the object of it was, unless that the petitioners wished to try how far they could go in abusing and insulting the House of Commons. If the real object had been to induce the House to revise its proceedings in the cases of Gale Jones and sir F. Burdett, and to recommend an early attention to parliamentary reform—they would have carefully expressed themselves in a language not likely to be rejected, but he perceived it was the purpose, continually apparent, to trench upon the privileges, and depreciate the authority of the House of Commons. There was no assertion more grossly untrue, or more dangerous, than to say that the House of Commons maintained privileges contrary to law, and subversive of the rights of the people. What, he would ask, were the privileges of that House, but the privileges of the people?—privileges which, he declared individually for himself, he would chearfully resign; but he considered them the privileges of the people, and, therefore, he could not consent that those privileges, as they now existed in that House, should be abandoned. He could not consent that the dignity of the people should be lessened, and, therefore, he would support the dignity of that House. He lamented extremely that there were members who lent themselves to the clamours of popular faction, and joined in this species of insult to the House of Commons, and in the endeavour to compel the House to abandon its privileges; but those men seemed little aware of the consequences to which their conduct directly tended; for if once those factions, to which they had lent themselves as the tools, should be successful in their real object, which was the complete subversion of all existing authorities, those very men would be the very first victims of the storm they aided to raise, and would be swept away like chaff before the wind. Those parties, with whom such men unfortunately combined themselves, knew much better than they did the true purpose they had in view. They knew that, when the privileges of that House were dissolved in effect, the power of the crown, and the monarchy itself, which the privileges of that House equally limited and protected, would speedily be dissolved also. The infallible consequence of destroying the authority of the House of Commons, would be either to substitute in the place of our happy constitution, an absolute monarchy, or else a republic. But a republic in this country, would, as all other republics, ancient and modern, had done, end in a military despotism. Such was the consequence, in all ages; it was inevitable. The French revolution had taught no new lessons; it was but a recent illustration of what had often been illustrated before, and it was impossible to contemplate it, without feeling, in its full force, the absurdity of any attempt at republican government, and the horror of any revolutionary speculation. He could not help thinking, that those who supported such doctrines as had been of late avowed, were either wilful deceivers, or voluntary dupes. It was his wish, however, that the House, even on the rejection of this petition, should not adopt any precipitate measure likely to excite in the public mind a spirit of irritation, or afford a handle to those who wished to represent that House as hostile to the rights of the people, or inclined to reject their petitions when offered in decorous language. He could wish the House to adopt, on this occasion, some resolution expressive of this sentiment, that the House of Commons was never unwilling to receive the petitions of the people, nor to attend to the prayers of those petitions; but that the House could not record upon its Journals, under the name of a petition, that which was in fact, a protest against its own authority. He could wish that some gentleman, more competent than himself, would assume the task of framing such a Resolution, to which he should be happy in giving his support; but still he thought that a mere rejection of this petition, without a full discussion of the subject, would not be enough. The House had a right to demand of all its members a bold avowal of their sentiments, in order to strengthen its hands for the maintenance of its privileges. He felt that this was not a time for a mere negative performance of duty: but that it was a time to speak openly and act decisively. He had therefore thought it his duty to state his reasons for opposing the reception of this petition. But while he felt himself justified in attaching blame to the framers and supporters of the petition, he did not think that all the blame was theirs; much was also to be ascribed to another quarter, to ministers themselves. They had often been warned that they went too much against the sense and feeling of the people; but the warning was in vain. They had resorted to similar expedients, for the purpose of exciting a popular cry, when that popular cry made in favour of themselves, or of the narrow and bigotted principle upon which they wished to stand. No wonder that it was now turned against them. Their conduct, in every part of it, was calculated to produce the dissatisfaction which unhappily prevailed; they had disregarded the voice of the people, they had mocked them with sham inquiries up to this very day. They had resisted every proposition for inquiry, in order to the reform of public abuses; and where they were found to concede inquiry, delinquency, when discovered, was protected rather than punished. Even upon a recent occasion, when a member of that House, either deservedly or undeservedly, rendered himself obnoxious to the popular feeling, how did his Majesty's ministers mark their regard to public sentiment? Why; by instantly covering that member with honours and rewards! [The hon. member alluded to Mr. Yorke]. He desired to be understood as not speaking from any animosity to that gentleman: but he thought the present not a fit time for such a conduct on the part of ministers. Not content, however, with incurring for themselves the popular odium, they had also endeavoured by their language to transfer that odium to those who had constantly opposed their obnoxious measures, and never ceased to cry out against the ruinous tendency of such measures. They had given to the demagogues the example for that language by which the House was now continually reviled and insulted. Their constant reply to those who resisted their measures, or arraigned their misconduct, was, that their only motive for opposition was a wish to get into their places. Could they suppose the people would not catch at such language? Their very phrases were adopted in every popular discussion, and made the general ground of abuse of both sides of the House. But he could not suppose any man so absurd as to oppose such ministers merely for the sake of getting into their places, under existing circumstances. He wished the House, however, to view with temperate consideration the state of popular feeling, and that those persons whom he had been just addressing would consider how far they themselves had been instrumental to the success of those who propagated libels upon the parliament. If there was any such sentiment that he or his friends were actuated by, any views to power or emolument, he wished it to be fairly and fully investigated. Apologising to the House for trespassing so long on their indulgence, he wished the question for rejecting this petition might be shaped as a resolution in the form he had already suggested. He had drawn up one as rather explanatory of his own sentiments than to bind the House to adopt it in the precise form it was now drawn up. He concluded with moving the following Resolution, explanatory of the grounds upon which the petition should be rejected:—"That the House was at all times willing to receive the petitions of the people; but that it could not receive that which, under the name of a petition, was a protest against the proceedings of the House."

Mr. *Grenfell* observed, that as he had seconded the motion for the adjournment the day before, he felt it incumbent upon him to make a few observations upon the subject now before the House. He rejoiced with the hon. gent. who spoke last, that the delay had taken place, not because he should now give a vote different from that which he had been prepared to give the day before, but because the vote of this night, whatever it might be, would be a vote of greater weight and dignity, than if it had been given yesterday, under the impression of that heat and agitation which the offensive language of the petition was calculated to produce. It was his misfortune, on the present occasion, to differ with many honourable friends of his, with whom he had been in the habit of acting in the humble sphere in which he moved in this House, and with whom he hoped long to continue to act; but it was some consolation to him to know and foresee from what had fallen from those hon. friends themselves, that though they differed in their votes, there was no material difference in their opinions as to the offensive character of the petition now presented. An hon. friend of his (alderman Combe), had stated yesterday, as a reason for receiving the petition, that he knew not what might be the consequences of its rejection.—He did not know what might be the consequences of its rejection; but he would tell his hon. friend, that he was more solicitous about the interests and character of the House, than for the consequences of the rejection of this petition. But although he did not know what would be the consequences of the rejection of the petition, he had a decided opinion upon what would be likely to be the consequences of its reception; and this opinion was, that if this petition were received, the table would very soon be covered with insults and indignities offered to the House, by those whose object it was to degrade, vilify and insult the House of Commons. He begged not to be understood, or to be supposed to believe, that there was any general disposition throughout this country to insult and vilify the House of Commons. He believed no such thing. That there were great discontents and dissatisfactions, and arising from just causes, he admitted and contended, and he should at all times be ready to concur in measures for their correction. One great and principal cause of those dissatisfactions he believed to be the oppressive, vexatious, and tyrannical manner in which the taxes of this country were levied upon the subject. And it was his firm belief, that if ever the horrors of a revolution should be brought upon this country, it would be attributable more to the vexatious and oppressive mode of carrying the tax laws into execution, than to the burden (great as it was) of the taxes themselves. He was less afraid of meetings in Palace yard, or at Hackney, than of what was silently carrying on at the tax office in Somerset place. He concluded by saying, as he considered the petition to be a protest, and an insult upon the House, he should vote for its rejection.

The Hon. *J. W. Ward* moved that the Westminster petition be read for the purpose of comparison. The Clerk having read it accordingly, the hon. gent. rose and stated, that he wished to say a few words in explanation of the vote he intended to give. He had opposed the Westminster petition, because, whether the prayer of it was right or wrong, he then thought, and did still think, that it was couched in language highly indecent and improper. He had, therefore, thought it his duty to call the attention of the House to it, that it might not pass *sub silentio* like an ordinary petition. Yet he meant to vote for the reception of this petition, and this required explanation. He was actuated now, as he had been then, by a regard to the dignity of the House, and in his opinion no mean part of dignity was consistency. He had heard nothing in the present petition more objectionable than what appeared in the other, which the House had determined to receive. How he would have acted if this had been a *res integra*, was another question. In these cases the House ought to act on a broad principle, and not receive one petition because its offensive nature could be explained away by a quibble, and reject another of the same kind, because a similar quibble could not be found. He saw no fair and open ground of objection to this petition, that did not equally apply to the other. That the practice of the House varied not only from century to century, but even in the course of twenty years, was obvious, when gentlemen compared the conduct of their ancestors, as to petitions, in the brightest times of our history, with the proceedings of the present day. They could not help these changes, but still they ought not to allow them to take place with an indecent rapidity. The practice ought not to change from week to week, and from day to day, merely because a chancellor of the exchequer had more political courage on one day than he had on another. At the same time he declared his unaltered detestation and abhorrence of the principles of those who sent this petition, and if any one could shew him a real and substantial difference between the Westminster petition and the present, he would be prepared to vote for its rejection.

Mr. *R. Dundas* felt himself at a loss to follow the hon. gent. in his ideas of consistency. The hon. gent. having been averse to receive the Westminster petition and thinking that the House had done wrong in receiving it, wished the House to follow up that which he conceived to be their error, by committing another error in receiving the petition under consideration. This certainly did not appear to him to be the best mode of preserving the dignity of the House. He was one of those who, on the first reading of the Westminster petition, thought with the hon. gent. that it contained matter of so offensive a nature as to preclude the House from receiving it; but on a more attentive consideration, the objectionable passages appeared capable of being interpreted in a way in which it was desirable that all petitions presented by the people to the House of Commons should, if possible, be interpreted. But was the Middlesex petition of that description? Could any one believe that it was sent to the House with any other view than with a premeditated design to insult them? If in the discharge of their duty, the House ought not to be too scrupulous. If in their anxiety to shew that they threw their doors wide open to the petitions of the people, they had received the petition of the electors of Westminster, did it follow that they were to go on day after day receiving petitions, each more insulting and offensive than its predecessor? Whatever might be the sentiments of the hon. gent. such was not in his opinion the course by which the House would best maintain its dignity. The hon. gent. in whom the discussion that evening originated, had ascribed to his Majesty's ministers, and to those who supported them, a great deal of what he called the prevailing dissatisfaction of the country. In the first place he must be permitted to doubt the existence of that dissatisfaction. If the hon. gent. really believed that it existed, he must also believe that the House had lost the confidence of the country. From such a conclusion he most completely dissented. One of the instances adduced by the hon. gent. as tending to create this supposed dissatisfaction was, that his Majesty had been advised to select a gentleman to fill a high official situation who had, whether justly or unjustly, recently been assailed by popular clamour. Now he conceived, that if his Majesty's ministers were to advise his Majesty to listen to popular clamour, whether deserved or undeserved, they would, indeed, experience the dissatisfaction of the country. He was persuaded that the hon. gent. had used that expression inadvertently, and that he would be disposed to retract it. Another hon. gent. had attributed a great deal of this supposed dissatisfaction to the conduct of the board of taxes. This was a most extraordinary and most unjust accusation. The board of taxes were the mere instruments of parliament. To single out that board as worthy censure for executing a very painful duty, which they were compelled to execute, in the execution of which they have no option, was to cast blame where it was wholly unmerited. With respect to the proposed resolution, he did not think it at all necessary that the rejection of the petition should be prefaced by any declaration of the motives by which the House were actuated. Such a declaration was not customary. The House of Commons had already shewn their willingness to receive the petitions of the people when they could do so consistently with their duty to themselves and their constituents. The mere fact of the reading of the petition and its rejection would sufficiently shew the grounds on which the House proceeded.

Mr. *Ponsonby* contended, that what his hon. friend had said with respect to the recent appointment of Mr. Yorke to the head of the Admiralty was perfectly justifiable. He knew no mode by which the sense of the people of a county could be better collected, than by their refusing to re-elect any individual sent back to them for that purpose. When, therefore, the hon. gent. condemned his hon. friend for maintaining that the appointment of Mr. Yorke to office was not sanctioned by public approbation, the conduct of the electors of Cambridge was a sufficient voucher for the injustice of that condemnation. He was extremely sorry however that his view of the subject under discussion differed from that of his hon. friend. He should not vote for the rejection of the Middlesex petition; he could not find any thing in that petition more offensive than the expressions contained in the petition which had already been received by the House, and he could never think that any language which did not directly imply offence, but which might be construed into offence, ought to induce the House to reject the petitions of the people. He intreated the House to consider the nature of the object for which the petitioners prayed. If the people complained of an act of that House, was it not indispensible that they should term it injurious? In the many petitions presented against tax bills (although such petitions were not allowed to be presented until the session succeeding that in which the bills were passed), the measures complained of were usually denominated "partial, oppressive, and unjust." Could any thing be abstractedly more offensive than to charge that House with partiality, oppression, and injustice? and yet it did not appear that any petitions had ever been rejected in consequence of their containing such charges; because that House considered them as conveying the sentiments of the petitioners. It should be equally so with regard to the present petitioners. They thought the conduct of that House unjust, and they told them so. If they really and conscientiously thought the House in its conduct unjust, how could they express that in words but such as they had made use of, and ought to make use of? Far, indeed, was he from concurring in the sentiments contained in their petition. He knew of no privilege claimed by that House which it did not possess. He knew of no power exercised by it which it had not the right to employ. He had most certainly read in that petition, and elsewhere, that the House had claimed and exercised privileges and powers which it did not constitutionally possess; but such statements, he was far from considering as offensive, proceeding as they did from an ignorance of the constitution. The surrender of any of the privileges of that House would lead to the destruction of the constitution. He regretted the ignorance which seemed to influence the people upon this subject; but he could not look upon it as an offence, if they differed in opinion from that House, that they should say so.—As to the designs of those who had stirred up the spirit which manifested itself on the present occasion, he was not acquainted with them; but if their designs were evil, it was the duty of ministers to detect and punish them. He cautioned the House against laying too much stress upon the accounts of public meetings, as reported in the papers. He could quote one instance, as a proof that they were not to be relied on with much confidence; for either the papers must be wrong, or an hon. member of that House (Mr. Wardle) must have hazarded some very strange assertions. The hon. member was reported to have said, that when the ministers were contending for privileges, which did not belong to the House, the opposition had joined in the cry "to rally round the ministers upon such an occasion." He was sure that the hon. member could have said no such thing; he must have known that he would be one of the last men in the country to rally round the ministers. He was also reported to have said, "that his Majesty's ministers were reproached by the opposition, for not bringing in the military in the first instance." The hon. member could not have said this, no such thing having happened. The gentlemen on his side of the House, instead of adopting such language, had accused and condemned the government for having employed the military before they had tried whether the civil power would not have been sufficient. The hon. gent. (Mr. Wardle), was also reported to have ascribed to what were commonly called the two great parties in the House, the greatest selfishness and impurity of motive. He supposed that this must also have been a mistake—for surely no man could arrogate so much to himself as to think that he had more wisdom and more honesty than the whole House of Commons. No man could be absurd, or unjust enough to say, that out of 658 members, 650 were notorious rogues. It was for these reasons that he thought the news-paper reports could not have been correct, and ought not to be relied upon with too much confidence. The right of petition was that of which the House ought to be particularly careful; in the maintenance of which he felt that he could not with propriety, vote against the petition.

Mr. *Wardle* hoped the House would indulge him in a few observations, in reply to the personal attacks which had been made upon him ("No! no!" from the Opposition: "upon the newspapers.") Then, as the right hon. gent. had quoted from the news-papers certain expressions which were attributed to him, that right hon. gent. should have stated where he had found them, because for his part he had not seen them so stated in any newspaper. What he had said he believed was this, that he thought it rather a curious moment for the gentlemen of the opposition to shew that they rejoiced in the commitment of sir F. Burdett. He said too, that he had heard it stated by one gentleman amongst them, that the occasion required them to rally round the government, and from that sentiment having been cheered particularly by the members on the opposition benches, he was justified in assuming it to be general. It had even been stated by one hon. gent. that even if his Majesty's ministers were to have hereditary offices in the government, the House ought to rally round them on such an occasion. As that hon. member was in his place, he would correct him if he was wrong: but the impression upon his mind was that he had made use of the expression; but as to his having said that no members of that House were honest, but the few who concurred in opinions with himself, he could not recollect his having used any such expression, and he was sure he had not, because he had never thought so: but in or out of that House, he should always state freely what he thought, though he could assure the right hon. gent. never with offence towards him personally. In stating however fairly and openly his opinion of public affairs and public men at the general meeting of the electors of Westminster, he had done nothing more than what was his right and what he conceived to be his duty. He hoped that similar occasions for speaking his sentiments, would often recur. Indeed, he thought they could not occur too frequently, because it was for the benefit of the people to have a frequent opportunity of expressing their sentiments, and for the benefit of that House also to have an opportunity of knowing those sentiments. The more frankly those sentiments were expressed, the more he should approve of them. Having said so much as to the attack which had been made upon him, he had only one word to add on the subject of the petition under consideration. He trusted that the right hon. the Chancellor of the Exchequer would pursue the same course with respect to this as he had done with respect to the Westminster petition. In that case the right hon. gent. had consented to receive the petition, as containing the sentiments of the electors of Westminster. If he should put a similar construction upon the present, which was the construction upon which it ought to be received, he was sure the right hon. gent. would have no difficulty in acceding to the motion that it be laid upon the table.

Mr. *Ponsonby*, in explanation, stated that he had not intended any attack upon the hon. gent. What he had said was directed against the statements in the newspapers, purporting to be reports on the hon. gent.'s speech. As he had been called upon to state where he had seen these reports, he should inform the hon. gent., in the Morning Chronicle and the

Times newspapers; and also in another, the name of which he did not recollect; but all the accounts were nearly similar. What the hon. gent. had just stated, corroborated his assertion that the hon. member had never made use of the expressions stated to have been used by him.

Sir *John Anstruther*, as the hon. member seemed to have alluded particularly to him, trusted he should be indulged in making a few observations. When that hon. gent. imputed to the members on the opposition side of the House, that they rejoiced at the commitment of sir F. Burdett, he was of opinion that he should have looked rather to their votes than to their cheers for evidence of their sentiments. For himself, he was one of those who thought the House had not exceeded its just and constitutional privileges in that instance. How far it might be desirable to exercise these privileges on any particular occasion was quite another question. But such privileges the House not only had, but ought to have; and without them it must soon cease to exist as an integral branch of the legislature. The hon. member in quoting the particular expression which inadvertently fell from him in the former debate, should have quoted it correctly.—He had said, and he repeated it again, that, if the question was between the present ministers continuing in place, and the subversion of the constitution, he would make his election of the first of these alternatives, even though it was to give them hereditary seats. He would try to have them removed by all legal and constitutional means, but no further would he go; and it was in this sense that he would rally round the government, or rather round the constitution and the House of Commons. There was no comparison between this government as it exists, and the ruin of every thing dear to us as men and Britons; our laws, freedom, and the constitution of our ancestors.

Mr. *W. Smith* had never felt more difficulty upon any subject than upon the very important question under consideration. It often happened that men of the best intentions differed in opinion *toto cælo* upon topics of this description; and in proof of this he could not help adverting to the speech of his hon. friend (Mr. Ward). That hon. member had voted against receiving the Westminster petition, and yet thought that the House was in consistency bound to receive this. Now, in both these opinions he must differ from his hon. friend. He had not only voted for receiving, but contended that the House was bound to receive, the former petition; not because it was the petition of the electors of Westminster, but because the passage which appeared most offensive in it, might be supposed to refer to the conduct of their officer, and not to the conduct of the House. The present petition however he conceived to be peculiarly offensive, and his objection to it, he confessed, to rest upon his persuasion that it conveyed an intended insult to the House. He should, therefore, oppose its reception. It was not in fact conceived in the terms, or drawn up in the spirit of a petition. For instead of asking, or even recommending, it dictated authoritatively to the House. The case between Sir Francis Burdett and that House was said to be at present *sub judice.* It was understood that it was to be submitted to the investigation of a court of law, and he should ask, was it respectful, or was it decorous in a party professedly complaining to that House, to pronounce not a mere opinion upon the question, but a most authoritative decision? It was in fact impossible to read this petition attentively, without seeing that it was indecorous—without feeling that it was the object of the parties by whom it was drawn up, to try to what extent they could contrive to offend the House, and still get their petition upon the table. Believing that the Westminster electors entertained no such view, he supported the motion for the reception of their petition. If it should be said that the rejection of the petition under discussion, implied any wish to narrow the right of petitioning—he felt that no such wish could be imputed to him. For the twenty-six years during which he had been a representative of the people in that House, he could refer to his conduct as the best defence against any such imputation; as in the course of that period he had never voted against any popular (if it was for him to say what was popular) or constitutional measure. He was sorry that his sense of duty should, on this occasion, impel him to oppose many persons whom he respected. But he differed from them only as to the means they employed for carrying their object. It had been often observed, and with justice, that it was necessary to the preservation of the liberty of the press to guard against its licentiousness; and why not apply the same observation to the right of petitioning, that in order to preserve that right it was necessary to guard against any licentiousness in its exercise. The petition under consideration he conceived to be a most licentious exercise of that right, and therefore he must oppose its admission. He must oppose it, because he could not sanction any proceeding calculated to encourage that sort of commotion in which the middle men like himself—in which those who wished to keep aloof from all extremes—were sure to be trodden under foot. It could not be supposed that in the vote he meant to pronounce upon this subject, he was influenced by the consideration that the chancellor of the exchequer took the same course. His vote was the result of a thorough conviction, which he rather believed would very seldom incline him to vote with that right honourable gentleman. Passing from this topic, the honourable member adverted to the observation of an hon. gent. (Mr. Wardle), with regard to the conduct of his side of the House upon the committal of sir F. Burdett. How that side of the House could have exulted in the committal of the hon. baronet, while no less than 152 of that side voted against it, was a species of paradox which he confessed he was unable to comprehend.—That the House had lost much of its weight and respectability in the public estimation, and through its own conduct, he conceived it absurd to deny. But still he must be excused, if he thought that it should not give up any part of the weight and respectability it retained, and that it should tenaciously maintain its privileges. Although he was satisfied that that House required reform—although he felt that that reform must, and he hoped would ere long, take place, yet it should be recollected, that if any of its privileges were now lost, it might be found extremely difficult to regain them, even after the reform was accomplished. Therefore the House should not, because it had committed some breaches of duty, be guilty of a still farther breach by surrendering its privileges—by neglecting to transmit those privileges to their successors, for the benefit of the people, to whom, and for whom, they were necessary, as they would be found to be, particularly in the event of reform. For this reform he anxiously looked. He had been a petitioner, in fact, to that House, and he would petition for it again and again, if necessary. He would of course be happy to encourage all those who professed to support that desirable measure, in any application they thought proper to make to that House in its favour, provided such application was couched in decorous and proper terms. But this petition was not of that character, and therefore he could not defend it. This petition, however, and all the other proceedings which he, in common with all reflecting men, lamented, was to be traced to that unfortunate vote (for the committal of sir Francis Burdett), which he had endeavoured to prevent, and which he never could cease to deplore. Whatever indeed might be the termination of this controversy, he must always regret that vote for the consequence which it had already produced. But this was not the only subject of his regret. He could not help thinking, that if any of the several propositions for reform submitted to that House had been adopted, the character of the House would have been more respected through the country. The body of the people would have reverenced its proceedings, would have regarded it as their real representation, as the guardian of their rights, and, therefore, would have come forward to support it in the assertion of its privileges. But how different were the circumstances at present, owing to the state and conduct of that House. He was aware, that in what he had said, he might perhaps give offence to both parties; but he was conscious that he had no such intention, and should trust to their candour to acquit him of it. After what he had said, he should vote for rejecting the petition.

Mr. *Maurice Fitzgerald* (of Kerry) said, that however much he respected, in general, the opinions of the hon. gent. Mr. Barham, he must on the present occasion, wholly differ from him, and should vote against the rejection of the petition. The ground must be strong, indeed, and the objections clear and unquestionable on which he could assent to the rejection of a petition, from so large and respectable a body of their constituents, presented in the legal and regular manner to that House. If petitions were to be rejected merely on the imputation of containing warm expressions objectionable to the administration of the day, a most dangerous impression might be made on the public mind; might it not inspire an apprehension that the right of petition was become nugatory, depending, altogether, on the will of the minister. He concurred with the last speaker in lamenting the cause of all those discussions—the committal of Mr. Gale Jones, and the more so, as he was originally of opinion, and still remained so, (notwithstanding his respect for the talents of those who thought otherwise) that the House had not any right, acknowledged by the laws or the practice of the constitution, to try for libel, and to pass sentence of punishment thereon. He was also of opinion that the dignity of the House was not consulted by committing their power in conflict with a person of that description. He was, further, decidedly of opinion, with due deference, that the House had acted unjustifiably, in punishing one of its own members for some indiscreet language in an Address to his Constituents, on an occasion when he conceived their liberties to be involved—which address he was constitutionally justified in, and perhaps bound to make—nor should he think that the House would then consult its dignity, its interest, or its duty, by throwing any impediment in the way of petitioning from the people.—To reject the petition would complete that tissue of error and impolicy in which ministers had involved the House. What would the people think? by "people" he did not mean the mob, such as were described by gentlemen; but the sober, reflecting class of men, those who paid the taxes, the army and navy, and supported the expences of the state, who were perfectly competent to form a just judgment of the conduct of their constituents? what would such men think? Why, that having already infringed the personal liberty of the subject, having punished his representative for complaining of such infringement, nothing more remained than to extinguish the right of petition in the body of the people. What! was the assertion of that right to be considered a jacobinical claim? No, it was the law and constitution of the land. It is that subsidiary but invaluable right which in the opinion of all the best writers on those laws, and that constitution, it becomes the duty of the people to exercise, whenever their liberties are thought, by them, to be invaded; considered in that point of view, the wording of a petition was in his mind of little importance. He did not advocate the language of the petition in question, he might not admire the taste in which it was written; but were those reasons for rejecting a petition and trenching on the right itself, which it was their duty to guard inviolate. To what extent might not such a principle be carried? Did gentlemen propose to submit the petitions of the people to a previous scrutiny analogous to an imprimatur; did they propose to refer them to the minister or his agent? that if one contained an expression or complained of a grievance in a way offensive to such minister, they were not to entertain it. In what case of a public nature could a petition be imagined, which under such circumstances would be admissible? The hon. gent. had, however, stated that it was no petition but a protest. He did not know what the hon. gent.'s definition of a petition was; it stated a grievance and it prayed for redress, that appeared to him to be the very character of a petition. It did that certainly, in very plain and simple language. It stated the grievances strongly, and in what other language could they expect that grievances strongly felt, would be stated? They accused the House of assuming an illegal power, that was the grievance, and the remedy asked for was, the reversal of their proceedings, their erasing from their Journals the objectionable decisions. What, was it to the substance of such an application that gentlemen objected? Was there any thing criminal or unprecedented in such an application? Had not their predecessors received repeated petitions to the same effect, and had they not ultimately complied, as in the case of Wilkes, by reversing and erasing from their Journals, their most solemn judicial proceedings? He would therefore recommend to the House, to be extremely cautious how they threw any obstacle in the way of petitions. A caution the more necessary, when he reflected that those were the same ministers who had insolently rebuked the city of London for complaining of the Cintra Convention, a transaction, which, though sanctioned by that House, would attach indelible disgrace to the British name. The same ministers, who not daring to repeat that rebuke when the first city of the empire remonstrated against the still more atrocious transactions of Walcheren, insidiously shut the ears of their Sovereign to the complaints of his people, and locked up their petition in the office of one of their colleagues. The same ministers would now, with systematic hostility, avail themselves of some objectionable phrase in petitions, to undermine the right itself. He could not avoid reprobating the idle and impolitic language held by some gentlemen, of rallying round ministers. What merit these gentlemen, who thought ministers deserving of capital punishment for the infamous Expedition to Walcheren, could discover in their subsequent conduct in originating or managing the proceedings against sir F. Burdett, to call on men to rally round them, he was unable to comprehend. He, on the contrary, thought that their conduct in those transactions rendered them infinitely more criminal. That the nation entertained its unanimous opinion notwithstanding, and in difference from the decisions of that House, he firmly believed. But he could not concur in the alarm at the interposition of the great public bodies of the country. He saw nothing in the constitution of that House rendering it so extremely subservient to public feeling. He could discover none of that sympathy in their vote applauding the policy of the late Expedition. He saw no symptoms of democracy in the sentiments of that House. If there was any danger to be apprehended from foreign influence amongst them, it certainly was not from the influence of the people. Such influence had unfortunately but too little weight there. It would, of course, but ill accord with the public feeling, to have it not merely slighted, but ignominiously spurned at. It was surely sufficient punishment to petitioners, if their complaints were not proceeded on. He was, however, desirous to encourage their applications. From such applications alone, strongly urged, did he expect those measures which he thought indispensible to the salvation of the country. To reject the petition in question, would, in his mind, have the most mischievous consequences, and would trench upon one of the most valuable rights of the people—perhaps the most important to the security of the remainder, of all those which, as representatives, were vested in their guardianship.

Mr. *Barham*, in explanation, stated, that it was his wish to accompany the rejection of the petition, with a resolution declaratory of the reasons which induced its rejection; and thus pointing out to the petitioners the propriety of avoiding any dictatorial strain, and the way in which they ought to proceed in their applications to that House.

Mr. *Wilberforce* said, that there was no person more disposed than himself to treat with extreme tenderness the right of petitioning. He should be very unwilling to reject any petition merely from an inadvertent expression which might appear disrespectful; but when he considered the entire language of this petition, he felt himself, under all the circumstances of the case, compelled to reject it. If they did not reject the present petition, he did not see how they could ever in future reject any petition on the grounds of its being couched in disrespectful and offensive language. The shades of what was offensive in expression were infinitely varied; but it did appear to him that, in the present petition, the object of the petitioners was purposely stated in most offensive language. The petitioners might have come forward and stated every thing which they thought proper to state in language which would not have been offensive or insulting to the House. There was this difference between the Middlesex petition and the petition of Westminster, which had been received: The Middlesex petitioners stated broadly and directly, that the House of Commons acted contrary to the law; and in the manner of expressing it appeared to think that the law was so clear and undeniable, that no could have misunderstood it; but that in acting against the law, they had acted against their own conviction. Now the petition from Westminster did not go that length. It stated, that "in our opinion," and "we are convinced," and in qualified expressions of that nature, that the law had been violated; but it did not state it positively, as the Middlesex petition did. It was true that the Middlesex petition ended in the technical manner with a prayer, which the Westminster petition did not; but he would consider much more the general spirit of the petition, and whether it was meant to be insulting or not, than he would the mere technical form. The hon. gent. opposite, (Mr. M. Fitzgerald) in his opinion, acted rather harshly and unfairly towards his right hon. friend, the Chancellor of the Exchequer, whose feelings and actions were strongly indicative of a high zeal and regard for the public interest, when he accused him of wishing to narrow the right of the subject to petition. How could the hon. gent. do this, if he recollected, that when his own friends, and even the friends of the right hon. Chancellor of the Exchequer joined in expressing, most strongly, an opinion against the Westminster petition, his right hon friend had distinctly stated the dangers on the one side, and the favourable circumstances on the other, and candidly declared, that, in his judgment, the balance was in favour of receiving the petition. He reminded his right hon. friend, that though the cry now adopted by the petitioners was in favour of the popular side, yet too much ought not to be conceded on that account; for the time might come, when their petitions would be as much against the popular interests, as they now pretended to be for them; and in the same degree attempting to run down, vilify, and degrade the House. They must all recollect, in the history of the country, that this was the case in the instance of Dr. Sacheverel. In the reign of Charles II. the people were deluded into petitions, praying that no more Parliaments might be assembled. Such things might happen again; and if they now gave way, they ought to remember that they were destroying solid strength, and what he might call the triumph of reason and justice; that they were subverting all that was consistent with happiness, stability, and glory, to build up confusion and disgrace. In rejecting this petition, they were debarring the freeholders of Middlesex no right or privilege. They might call for the re-consideration of any proceeding of that House. The House would revise and re-consider their acts, and they would do it the more freely, if they did not allow themselves to be dictated to by any other body. They would review their proceedings with that independence belonging to them, as the third branch of the legislature, and the unfettered representatives of the people. He could have wished, that their rejection of this petition had been accompanied by some such resolution as was read by the hon. mover, to shew, beyond the possibility of misrepresentation, that they acted in this way, from no feeling of affront, but in the performance of a duty incumbent on them, to preserve, not their personal rights, but the rights of the people entrusted to their care. The preservation of their privileges and dignity was indeed a trust, not a property. There was nothing in the petition that might not be again stated inoffensively, and in a stile consistent with the dignity of the House to receive. As the petition now stood, he felt it to be a duty he owed to those who sent him there, and to the people of England, whom he represented, to reject it.

Mr. *Ellison* said, that if he really conceived that the House was held in such contempt by the country as it was often stated to be, he should feel ashamed to sit there; but he was convinced that there was no foundation for the statement. To whom were the country to look for any important advantages? Was it to the hon. baronet who was in the Tower, or any of his partizans? It appeared to him that a party had sprung up in the country, which it was the duty of that House to crush. He objected to the petition, as being in many parts false. It was not in the execution of the Speaker's warrant that innocent blood had been split; but the loss of some lives proceeded altogether from the necessity of preserving the public peace, and the impossibility of the military bearing any longer the many indignities and attacks they had been exposed to. The mob on the late occasion were, in some respects, more dangerous than that which assembled in the time of lord George Gordon. The mob of lord George Gordon had not come, as the late mob had done, with pistols in their pockets, and did not, like them, fire upon the military. Under the recent circumstances, the conduct of the military was most exemplary. He should vote for rejecting the petition, as being unfounded in truth.

Mr. *Morris* did not perceive any thing in the present petition which was so very offensive as that the House should refuse to receive it. The debate appeared to have taken a very different turn from what it had taken the preceding night. On the last night the objection seemed to be merely that the power of commitment was denied; but on the present occasion the objection was generally that the language of the petition was offensive. He did not think, that asserting that the House had acted contrary to law in a late instance, was denying that they had a right of committing. They might have that right on other occasions from the necessity of the case, and yet it might happen that they had it not in the case of a libel, which was an offence that might be punished in the due course of law. The people might well doubt that they had such a right; and if it should turn out that they had it not, then it must be allowed that they had done an illegal act. It was said, by one of his Majesty's ministers, that the House must now make a stand, or that their table would be covered with similar petitions. This however was not his opinion; nor did he expect that many other counties would petition on this subject, whatever might be the fate of the petition for Middlesex. He thought the House would in no degree relieve itself from hearing petitions similar in substance, by rejecting the present petition.—On the contrary, the rejection of it would naturally produce another county meeting, and another petition. This, however, should be no consideration, if the privileges of the House were seriously attacked; but if they were not seriously attacked, it would be worth considering whether any real advantage would be obtained by rejecting the petition.

Sir *Mark Wood* considered the petition as the most disrespectful ever presented to the House; but whether they rejected it or not, he did not think their table would be covered with any thing similar. The petition was not what it was stated to be. It was stated to be, "The petition of the freeholders of Middlesex, in full county assembled." Of the persons assembled at Hackney, not one-third were freeholders, and the petition was signed by no more than eight names. To this meeting he, a freeholder of the county, would not go, because he knew that nothing he could say would be attended to, and that it was in vain to attempt to be heard, in combating the opinion of the party there assembled. There were many freeholders of the county deterred from going, for the same reasons, and because they knew there were hundreds of persons there not freeholders, determined, by cry and clamour, to drown every voice not raised in favour of their own way of thinking. He protested against the petition being received as the petition of the freeholders of Middlesex, and he was confident, that if the county was polled throughout, 9 out of 10 of the freeholders would not only not sign it, but would think themselves disgraced by its being laid on the table.—He might be asked why, then, did not the 9 in 10 attend and reject the propositions? His answer was, because they knew, that, so near the metropolis, it was easy to collect a crowd of persons, who would drown every thing in noise and clamour. In the course of this debate, many subjects had been introduced, not necessarily connected with it. What had the conduct of the ministers towards sir F. Burdett to do with the language of the Middlesex petition? Whether ministers were right or wrong, the language of a petition to the House of Commons ought to be respectful and inoffensive. He protested against the petition in the name of the great majority of the freeholders of Middlesex, and he thought the House would disgrace themselves in entering it on their Journals.

Lord *A. Hamilton* observed, that if the hon. member who spoke last was rightly informed, and that nine-tenths of the freeholders of Middlesex were hostile to the petition now before the House, he could not help thinking, that those nine-tenths had not done adequate justice to the county of Middlesex in allowing a remaining tenth to assume the voice of the county itself. He did not think the language of the petition so disrespectful as to make it necessary for the House to reject it. He had himself stood up for the right of commitment, but he thought it perfectly fair and allowable for any petitioner to deny the right. The word 'protest' had been objected to, as offensive to the dignity of that House; but he did not perceive any thing in that word more than a solemn denial of the right, the exercise of which they complained of. It appeared to him that there were other parts in the petition which were more offensive, yet of which no notice had been taken. He did not like to hear asserted, that all public men were corrupt, and that they were bought and sold. The Middlesex petition seemed to have introduced that doctrine rather unnecessarily, upon the present occasion. The petitioners dwelt pointedly on the sale of seats in that House, and on the corrupt state of the representation. This topic, introduced, as he thought, unnecessarily, appeared to him more disrespectful to the House, and conveying more offence than the use of the word protest, which had been so much dwelt on. Nevertheless those parts of the petition which appeared to convey the greatest offence were passed over without any observation, while others of much less moment were urged as a ground for rejecting the petition. He did not approve of the language of the petition, but he could not bring himself to reject it.

Mr. *Stephen* said, that there were two questions for the consideration of the House. The first was, whether it was the bounden duty of that House to receive any paper, however disrespectful, libellous or defamatory, merely because that paper was called by the name of a petition; and the second was, whether the paper now before the House was of that exceptionable character or not. He had voted on the night before for an adjournment of this question, in order to give gentlemen an opportunity of comparing the different parts of the petition, and coming to a deliberate decision upon their tendency. By this delay they were enabled to judge, whether this petition was presented for the purpose of doing away what might be fairly considered as a grievance, or whether it was intended as a studied insult on the House—as an attempt to make it the instrument of its own dishonour, and to make its Journals the record of its own reproach. With respect to the question, whether that House was bound to receive every petition, however couched, which came before it, there was but one opinion, with the sole exception of a right hon. gent. opposite. There was no doubt the right of petitioning was vested in the people, but there was as little doubt that the right of rejecting such petition was vested in the House, provided it was conveyed in indecent or insulting terms. The people had an equal right to petition the King; but surely no one could contend that their address ought to be received, if it was not drawn up in the most respectful manner. The statute of Charles 2, which gave the right to petition, declared also that that right ought to be properly regulated. With respect to the present petition, he was afraid the delay which had taken place had not been employed as it might in its mature consideration. He was led to this opinion from the assertion of an hon. member opposite, who said, he did not think the petition denied the power of the House to commit, and that if he thought it did, he would vote for its rejection. Now, in neither part of this sentiment could he agree. If the people saw any objectionable power assumed by that House, or any obnoxious measure pass it, they had an undeniable right to petition against such act or such assumption, with this restriction only, that they did it in respectful terms. The present petition, however, did distinctly declare, that in committing, the House had usurped a power "unknown to the law, and not warranted by the constitution." This was surely language as insulting as could possibly be addressed to the House. But lest there should be any doubt, the petition went farther, and not only reprobated the principle, but protested against the practice. Their protest, too, had every form of a protest; and they actually declared that they presented it in order that it might be entered on the Journals, as the Letter of sir F. Burdett was not so entered, although the vote of the House which committed him was. Now that Letter had been declared by the House a flagrant violation of its privileges; and if after such declaration an approbation of that Letter presented to the House was not to be considered an insult, it was hard to say how far they might be carried by their forbearance. Some gentlemen opposite had declared that they conceived themselves exonerated from all blame or responsibility on this subject, as it was the conduct of ministers, and ministers alone, which had excited those petitions. This was not true; all parties in the House had agreed as to the libellous doctrines of the letter which had caused the committal of sir F. Burdett, and it was in consequence of that committal that the petitions had been presented. He warned public men how they now sought individually to be exonerated, or stood aloof in the moment of such an attack; it was indeed a regular systematic attack—the result of a system deeply considered, dangerously organized, and sought by every means to be widely diffused among the people; a system which, by affecting an hypocritical respect for the Sovereign, went directly to undermine the House of Commons. It was the traitorous attempts of the last fifteen years now skulking under a new shape, and assuming a most dangerous and deadly form. There was no country which could be said to be safe where the legislative power was attacked with impunity, and daringly branded in such indecent terms. At any time this would be most dangerous, but at the present time the peril was doubly hazardous; a time when we were engaged in a most momentous and protracted war, and necessarily obliged to incur the most aggravated burthens. From such attempts no side of the House was safe—no men in the country secure. They menaced not party, but parliament—not ministers, but the constitution—not any certain set of men, but all the inestimable blessings which time, and toil, and struggles, had secured to the country. The question now was, whether the House would lend itself to such attempts; whether they would become the servile ministers of their own dishonour. The petition had not only assailed their practice, but their very motives, and asserted the "suspicion and jealousy with which they viewed the imprisonment of sir F. Burdett at a time when they expected so much from his efforts in the cause of reform." If the House were now to submit to such language, they would infallibly encourage the spirit to which he had before alluded. The experiment of conciliation had been tried and failed. They had been persuaded to receive the Westminster petition, on the ground that such apparent tolerance in that House must tend to quiet the people, by shewing them that their interests and representations were attended to. What had been the consequence? Why the present petition, still more strongly worded, immediately followed. If the House now submitted, it would be termed not conciliating, but pusillanimous. They were reproached with requiring an army to enforce their orders. Concession now would be only considered as an additional proof of their weakness—another argument of their timidity.

Mr. *Ponsonby* said, in explanation, that he could not take upon himself to judge in what degree the hon. gent. enjoyed the faculty of hearing; but he could not think that gentleman possessed the faculty in perfection, if he attributed to him words which had never escaped him. He had never said nor implied, that that House was bound to receive any petition, however offensively worded. He had said that it was the practice of the House to receive petitions, though they might be thought to be somewhat objectionable in the use of certain expressions; and he now said, that those who imagined there was a studied offence in that or any other petition offered to their notice, were bound as men of sense and men of spirit to vote against the admission of such petitions.

Mr. *Byng* rose merely to observe upon an expression which had fallen from an hon. gent. who had arraigned the respectability of the meeting at Hackney. That hon. gent. was not present at that meeting. He (Mr. Byng) was; and he felt no hesitation in saying, that it was one of the most numerous and respectable meetings of freeholders he had ever witnessed. He added too, that nine tenths of that meeting did not think that House had the right of commitment in cases of libel. He joined with them in that opinion. (Some murmurs.) He repeated that such was his opinion, and that if the House had such a power, he thought, and so did his constituents, that they ought not to have it. The case of libel was not a case of necessity, and the necessity ceasing, so should the exercise of the privilege cease also.

Sir *M. Wood* denied that he had said that the meeting was not respectable. What he had said was, that the majority of the persons there assembled were not freeholders.

Mr. *Mellish* stated, that he had attended the last meeting at Hackney, and that he had there stated, that as he looked upon them as a meeting legally convened by the sheriffs, he should obey their directions, by presenting their petition to that House; that at the same time he did not think he was bound to compromise his opinions as an independent member of parliament, or to concede them in an unqualified way to the opinions of others, however he might be disposed to respect them. His hon. colleague had said that nine-tenths of that meeting were freeholders. He could assure him of his conviction at least, that the majority of that meeting were not freeholders. When he spoke of presenting their petition, they heard him with as much silence as then prevailed in the House, but the moment he spoke in favour of any opinion of his own, not exactly conformable to theirs, the tumult was so sudden and over-bearing, that he told them, smiling, since they would not hear him, it was useless to trouble them any farther. As, however, he had promised to present their petition, he should now support the motion that it should lie upon the table.

Admiral *Harvey* said, that he, as a freeholder of Middlesex, would have attended the meeting, but that he thought it an *ex parte* meeting, and convened for the purpose of censuring that conduct which he had approved and followed; and consistently with which he should now vote, that the petition be rejected.

The House then divided; For receiving the petition 58; Against it, 139; Majority 81.

[MOTION RESPECTING THE LATE TREASURER OF THE POST OFFICE IN IRELAND.] Sir *John Newport* said, that, to the question which he had to bring before the House, he hoped the most calm, dispassionate, and deliberate discussion would be given. It was of most material importance, as it concerned the revenue of Ireland, and deeply affected the interests of that country. Under these considerations he was convinced that the discussion would be abstracted from all prejudices. The legislature of that country had been transferred to this; the revenue then of that country should be the peculiar care of England, inasmuch as its benefit was the benefit of England, and as the neglect would be most calamitous to both countries. He had long considered the plan of incidents as one extremely prejudicial, and one which it was most necessary to abolish. Under the denomination of incidents, not only pensions and salaries were ranked, but every emolument and fee obtained by those connected with the revenue. In bringing before the House the present subject, he was not unattended by authorities of the most unquestionable nature. The commissioners appointed to inquire into the abuses of the Irish revenues, had observed and censured this system, as most injurious to the interests of the country. He would direct his attention to two cases in which grants were made of pensions: the first case was that in which the grant of 1,000*l.* was made to Mr. Croker, surveyor-general, for extra official duties; this appeared, in the 9th Report of the commissioners, censured. He did not mean to undervalue the exertions of Mr. Croker, or the services which he had rendered; the commissioners allowed that his business was of a most weighty nature, but yet not such as to justify a grant to such an amount. He could not conceive any greater evil than that of applying the public money upon occasions where it was not deserved; the evils resulting from a practice of this nature would be of great magnitude and extent. The first resolution he had to put was, that it appeared, from the 9th Report of the commissioners, that the sum of 1,000*l.* was, in the year 1807, paid to Mr. Croker for his extra official duties, together with the annual sum of 800*l.*, a house, &c. that the commissioners of inquiry did not conceive those duties were such as to entitle him to such a sum. The next resolution he had to propose related to a grant to sir George Shee, receiver general; a grant in contradiction to the rules of that House. He had been in office only eight years, during which he had performed none of the duties of it. This was no case of commiseration; it was the case of a man of rank and fortune; he was, nevertheless, superannuated. The second resolution was, that it appeared to the commissioners that in the incidents of the customs, sir George Shee had received the sum of 5,673*l.* from the 5th of August, 1807, to 1808; and that he was superannuated after being in office but eight years, during which he had not attended to the duties of his office. He had another resolution respecting the grant to the treasurer of the post-office. He could not help stating the grounds upon which this gentleman had requested a superannuation. The money received in the post-office, instead of being delivered into the Bank, was left in the hands of the deputy-treasurer. A reform was thought necessary, and a minute was made for the purpose of getting the money into the Bank. Many attempts were made to do away this minute, that the cash might return into the old channel; but the effect was ineffectual. The treasurer waited for a government which would superannuate him for his services, and he at last found it. He supposed, as he had not made away with the money which went through his hands, that he was entitled to a large remuneration. The last resolution he had to make was, that the House considered such a system of conduct as this highly reprehensible, and a violation of what it was the duty of ministers to preserve. That the public money should not be made use of by any officers, and that such as had done so, were deserving the reprehension of that House. The hon. bart., said, that what he had stated were but parts of a very extensive system. It would be found that many officers, nominally superannuated, had salaries under government, arising from other situations; that 5 or 6,000*l.* a year were given to a storekeeper, when it could be proved, that between 130,000*l.* and 150,000*l.* value in goods had disappeared, and never been been accounted for by those who were justly responsible. He conjured the House to negative those grants; the public must be discontented at seeing the rewards of self-denominated services.

Mr. *Foster* would state in broad and strong terms, that what the hon. baronet advanced respecting Mr. Croker was not founded in fact. Had he read the 9th Report through, he would have found that he was mistaken. The sum of 1,000*l.* was not given to that gentleman for extra services, but as a composition for the claim he had on government to a much larger amount. [Here he read the memorial of Mr. Croker from the Report, in corroboration of this assertion.] It was a debt due to him, and which he would have recovered, had he sued at law for it. This he trusted, would be a sufficient answer to his first Resolution. The subject of the second Resolution had been discussed and decided already. With respect to the matter of the third Resolution, he was persuaded that the more it was inquired into, the less would it be found to warrant the conclusions drawn by the hon. baronet. The observations of the hon. gent. might have applied to the former constitution of the Irish Treasury. It had been formerly the custom to allow the receiver-general a quarter per cent. on the sums passed through his hands, which on the average amounted to upwards of 5,000*l.* a year, but latterly this enormous emolument was prohibited. It ceased after the death of sir Henry Cavendish, and his successor who should have enjoyed it, was entitled to a moderate compensation. That was settled at 1,400*l.* a year. There never was an officer more fairly entitled to compensation than sir George Shee. Would the hon. bart. say that 1,000*l.* a year was a compensation for discharging the duties of an office through which three millions and a half of the public money passed, and for the due execution of which security to the amount of 25,000*l.* was given? With respect to sir George Shee, there was no favour asked or granted, nor was there any due. He lamented the hon. member had not given him an opportunity of answering the other strong cases to which he alluded. He was convinced they would be found equally unsupported. Without fear of contradiction, he would assert, that the present government of Ireland was as strict and economical as even the hon. bart. could desire.

Mr. *W. Smith* observed, from the Report of the commissioners, that Mr. Croker was not entitled to the sum granted. Whatever mis-statements there have been proceeded from that board. It did not appear from their Report, that any extra official duties were performed. If the statement of the right hon. member was correct, Mr. Croker was a most injured man; for instead of a paltry remuneration of 1,000*l.* he was entitled to a moiety of penalties, amounting to upwards of 40,000*l.* for which he had commenced suits. In his opinion there was no censure too strong for the conduct of the commissioners who made the Report before the House.

Mr. *Croker* said, that after the very kind and handsome manner in which the hon. gentlemen opposite to him, had spoken of Mr. Croker, he certainly rose to address the House without any personal feeling upon this question. He wished to submit to the House a statement of the facts of the case, and unless he very much flattered himself, he should convince the House of the perfect propriety of every part of the business in which Mr. Croker was concerned. Mr. Croker was appointed in the year 1800, surveyor general of the port of Dublin, with a salary of 800*l.* per annum, being 400*l.* a year less than any other surveyor general had, when employed, though his duty required a constant residence in the city of Dublin. When he came into office, he found very considerable arrears of duties due from the distillers. It had been said that the commissioners ought to have known of these arrears, and have prevented them, but the fact was, that the commissioners could not ascertain the amount of the arrears nor the quantity of spirits that had gone into consumption without payment of duty until the end of every quarter, and then it sometimes happened that it was too late to recover them. Mr. Croker, upon his coming into office, turned his attention to this subject, and he found in an act of parliament then in force, the means of compelling the distillers to make their returns, and pay the duties weekly. In this act there was a clause enacting, that if any distiller should suffer an arrear to exist beyond a given time, he should be liable to a certain penalty, one half of which was to go to the crown, and the other to the prosecutor. When Mr. Croker put this law into force, it was well understood by the distillers of Dublin, that his sole intention was to take measures for enforcing the payment of the money due to the public, weekly; that in case of any failure on their part in paying the duties, he should, indeed, by prosecuting them, become entitled to certain penalties, but that he would not touch one farthing of those penalties, provided they would pay their arrears, and that the board of excise would remit the other half of the penalties. In pursuance of his plan, Mr. Croker did, in enforcing the payment of arrears, obtain judgments for penalties to the amount of 42,000*l.* and by the strict letter of the law, he would have been entitled to one half of them; but in consideration of the understanding with the distillers, he merely kept those penalties *in terrorem* over them, and remitted them as soon as the arrears were paid. He wished here to observe, that this was not, strictly speaking, Mr. Croker's official duty; every gentleman knew that the departments of superintendance and controul were totally distinct from those of account and check. Mr. Croker was in the former department, and therefore this was not his official duty. Mr. Croker proceeded in this way for several years enforcing the payment of the arrears, and regularly giving up the penalties. It now only remained for him to state how the money which Mr. Croker had received, became vested in him. Two distillers, of the name of J. and E. Edwards, had several times got into arrears, but upon paying them up, the penalty had always been remitted. It happened, however, that on one information against them, for penalties to the amount of 2,100*l.* they did not pay the arrears, and the consequence was, that evidence was produced against them, and a conviction took place. The penalty was hung *in terrorem* over them, to enforce the payment of the arrears, but they did not, in fact they could not pay, for they were insolvent. The legal officers of the court where the conviction took place, proceeded to levy the penalty (Mr. Croker being then in England;) a warrant was issued, and the money was levied, and then it was vested by law, one half in the crown, and one half in the prosecutor. Mr. Croker being, as he had already stated, at that time in England, in discharge of his duty, did not know any thing of this transaction till he was called upon to know whether he had received his moiety of the penalty, it then appeared that the money, when levied, had been paid into the hands of the collector of the Excise, and he, by mistake, instead of carrying it to the account of fines and seizures, carried it to the account of arrears. The money having thus been levied, a moiety of it became legally vested in Mr. Croker, but it having got, by the mistake to which he had alluded, into the treasury, the mistake could not be rectified but by a memorial. If Mr. Croker had been in Ireland when this transaction took place, there would have been no mistake upon the subject, because the half of the 2,100*l.* penalty recovered would have been paid to him under the Act of Parliament, and there would then have been an end of the business, but the money when levied having been carried to a wrong account, had produced the whole of this business.—It appeared to him, that there was strong ground to complain of the commissioners upon whose report the hon. baronet had brought forward this subject. They had, in their Report, omitted all the circumstances which he had stated to the House, though they must have been acquainted with them. The memorial which Mr. Croker presented to the lord lieutenant distinctly stated the grounds of his claim, but it concluded, as is usual in memorials, with requesting the favourable attention of the lord lieutenant to it, in consideration of his long, faithful, and extra-official services. The clerk in entering it, instead of entering the whole grounds of the claim, merely stated, that it was for extra-official services, and so the commissioners had disingenuously stated it, although they had all the documents before them. The impression which the Report must make upon every man's mind must be similar to that which it had made upon the hon. baronet's, and it was only by wading through an appendix of 300 folio pages in which they had buried Mr. Croker's memorial, that the real truth of the case could be found out, while they inserted their own garbled story on the very front of their Report. The Report stated, that it was the practice of the Board of Excise to remit the penalties, but it did not state what was the fact, and what in candour at least might have been stated, that Mr. Croker was entitled to one moiety of the penalties. The Report also stated, that there was no difference between this case and any other—the difference was this, that in other cases the penalties had not been levied, but remitted, and that in this case, of the 2,100*l.* penalty, the money had actually been levied, and of course had become legally vested under the Act of parliament, and with this legal and marked difference, the commissioners have been pleased to say, that they could see none. It was a singular circumstance belonging to this case, that although he had the honour, an honour of which he was proud, of being intimate with the noble lord, then chief secretary for Ireland, (lord Wellington,) and though he was living in his father's house in Dublin, at the time when this job, as it had been called, was going on, he never heard one word about it, nor knew of the transaction, until he read it in the Report. He thought it no slight a proof of the fairness of the transaction, that so near a relation had never once begged of him to mention it to the government; so much was it a matter of right and so little a matter of favour. But he had other grounds of complaint against these commissioners; they had not stated, that this case had been referred to the solicitor of the board, and that he had made a Report decidedly in favour of the right which accrued under the warrant. It might also have been expected, that, in point of fairness, when they were about to make this Report, they would have examined Mr. Croker himself upon the subject; but not one question did they ever put to him upon the subject, though they had daily opportunities of doing it. He concluded with stating, that he trusted he had made out a clear case, and that he had done justice to Mr. Croker. With respect to the character of that gentleman, the gentleman opposite to him, had spoken of it in terms which left him nothing to wish upon the subject. If any thing more had been necessary, he believed he might safely appeal to the right hon. gent. who filled the chair. He believed Mr. Croker attracted that gentleman's notice when he was in Ireland, and he believed also, that he owed that notice to the high character which he possessed. (The Speaker assented.) Mr. Croker concluded by trusting the House would pardon him for feeling on such an occasion the desire of doing justice to the character, not only of the individual, but of the Board of Excise, and of the government.

Sir *J. Newport* disclaimed any idea of wishing to throw blame on Mr. Croker, whom he admitted was a highly meritorious officer. Being now apprised of the circumstances just stated by the hon. gent., which were perfectly satisfactory, he should withdraw the two first Resolutions. At the same time he must still consider the board of excise as very negligent.

Mr. *W. Pole,* referring to the report, observed that if the right hon. bart. had taken the trouble to read it, he would have found in the Appendix that Mr. Croker stated in his memorial that his claim was proper and legal, and the commissioners, in their report, bear him out, by stating that he was entitled to a moiety of the sum in question by law.

Mr. *M. Fitzgerald* considered the giving of a moiety of the fines to the informer not as an equitable principle. He bore testimony to the merits of Mr. Croker as a public officer, who deserved every favour that government could shew him, by the length, the zeal, the talents and the integrity of his public life.

The *Chancellor of the Exchequer* thought that Mr. Croker had great ground of complaint against the commissioners for having made so incorrect a report, which had been suffered to rankle in the public mind to the prejudice of that gentleman since February 1809. He thought the right hon. bart. before he brought the charge, would have done as well to have looked into the report, and not have taken the word of the commissioners.

The two first Resolutions were then withdrawn. On the question being put on the third Resolution,

Mr. *W. Pole* said, he trusted the House would indulge him for a few minutes while he answered the attacks which the hon. bart. had made upon the Irish government, for the transaction respecting the post office. What had passed upon the preceding resolution should be a warning to him in future to be cautious how he brought forward charges affecting persons of high character, and how he applied such epithets, without taking care to be in full possession of the facts of the case. He flattered himself that in this case he should convince the House that the hon. bart. was as completely mistaken, with respect to the facts, as he was in the last. The hon. bart. had began by stating, that when this subject was before under discussion, he (Mr. Pole) had got rid of it by the previous question, and had skulked from the fair discussion of the decision. This language of the hon. bart. would teach him in future not to show so much courtesy as he had done upon the occasion alluded to. The House would recollect, that when the hon. bart. brought forward his Resolution respecting the Irish Post Office, on a former night, he mixed it with so much fact, that he (Mr. Pole) from mere courtesy, did not think it right to propose a direct negative, but had moved the previous question. He would take care, however, how he shewed such courtesy again. He did not mean to accuse the hon. bart. of doing any thing unparliamentary, but certainly it was not usual to bring a subject a second time under discussion when it had been once decided. He had very little to state upon this subject now more than he had urged on a former occasion; but as many gentlemen who were present now had not heard his former statement, he would, with the permission of the House, shortly repeat it.—The right hon. bart. had fallen into an error respecting the case of Mr. Forward, into which he had been led by the Report; he had stated, that that gentleman had been superannuated, after only 8 years service. That was not the fact: the case was shortly this. In 1800 Mr. Forward was, by patent, appointed Treasurer of the Post Office, an office which was considered as a perfect sinecure. He remained in it never doing duty, until 1808, when the office was reformed. During a part of that period the right hon. bart. and his friends were in office, and they had never called upon Mr. Forward to do any duty, so perfectly did they consider his office as a sinecure. The Commissioners in their report, had stated, as a principle, that public officers should not be remunerated except for long services, but that gentleman had been remunerated after a service of only eight years. Now there was the more unfairness in this statement, because it was partly true and partly false. They ought to have stated, that this office of Mr. Forward's was a perfect sinecure, that upon the reform of the office he had been removed, in order that the office of Treasurer of the Post Office might be made efficient, and that they had been remunerated as was always the case when patent officers were removed. There was in this Report, as there was in the Report respecting the case of Mr. C.'s materials given in the Appendix, out of which a fair statement might be made; but the Commissioners thought proper to frame their Report in the way he had mentioned.—They had used the word superannuation, as applied to Mr. Forward, and used it most improperly. That the word was not used in the order for granting him his salary, it was "compensation," and that was the term which the Commissioners ought to have used. It was singular that the principle of not calling upon sinecure patent officers to do any duty, or in cases where a light duty was annexed to the office, to do more than they had been accustomed to do, was recognized by the hon. bart. himself, in an act which he brought in for abolishing offices that were useless, or in part useless. That was the principle upon which the Irish government acted in the case of Mr. Forward, and yet the right hon. bart. now made it a ground of accusation. When the right hon. bart. and his friends were in office, they attempted something like a reform in this office, they found Mr. Forward with a sinecure situation of 5,000*l.* a year, and the use of the public money, they took from him very properly the public money, but they never thought of making him do the duties of his office: they left him in possession of it, and of the salary. The hon. bart. had talked of pretended reforms having been made in the Post Office, but if the hon. baronet had taken the trouble of reading the Appendix to the Report, he would have found that he (Mr. Pole) was justified in speaking of these reforms in the manner he had done, and that they were real and substantial reforms. (Mr. Pole then read an extract from the Report, speaking in high terms of the efficient reforms which had been effected in the Post-Office.)—Such was the opinion of the Commissioners upon the reforms effected, and yet the hon. bart. had called them pretended reforms. In the course of his speech, the hon. bart. had alluded to something which the Commissioners had brought forward in the shape of a charge. They stated, that while they were prosecuting their inquiries, they discovered something improper in the Post Office, and that an attempt had been made to conceal it from them; and the hon. bart. had mentioned the subject as if government had been apprised of the impropriety, and had connived at the concealment. If the right hon. bart. wished to be informed of what government knew relative to this subject, he had not the slightest objection to lay all the papers concerning it before the House, for he had no wish for concealment on that or any other subject. At present, however, he would state the case from memory, as correctly as he could:—A rumour some time ago reached him that there was great malversation in the department of the clerks of the roads in Ireland, he of course endeavoured to ascertain whether that rumour was well or ill founded, and he received a statement of every thing which had been discovered respecting their misconduct. There were in Ireland four clerks of the roads, and the chief perquisites of their office arose from newspapers sent to different parts of Ireland. At the time of the Union they presented a Petition, setting forth that their emoluments had been greatly reduced, and praying for compensation. An inquiry was made into the amount of their emoluments, and their salaries were fixed at the average of their emoluments for the three preceding years.—The perquisites which they had before received were ordered to be paid into a fund, out of which their salaries were to be paid; if that fund was deficient, that deficiency was to be made up by government; if there was a surplus, it of course went to the public account. In consequence of this arrangement the clerks paid in what they called their receipts into this fund, but it appeared that there was every year a deficiency. Last summer an inquiry was made into the business, and it was found that they had been guilty of great frauds; but as they were before been considered as men of good characters, they were permitted, by the post office, to resign their situations, on making good the deficiency.—When the lord lieutenant found what had been done, he ordered the whole matter to be made public immediately. The whole case was laid before the law officers of the crown, with a direction to them to investigate the business fully, and to prosecute the parties, if it could properly be done.—This order was given within 24 hours after the papers had reached his hands. The prosecution did not take place, because it was the opinion of the law officers that it could not be carried on with effect. These were the circumstances of the case; but how it happened that they were not laid before the commissioners he did not know. He would not dwell longer upon this subject at present; his object was only to shew that great reforms had been made in that office, that the government of Ireland were adopting regulations for making it as perfect as possible. A penny post had been established, after the plan of the one in this country, and other improvements had been made. He would not take up more of the time of the House, but he trusted that gentlemen would bear in mind that this was not a new question; that it had been discussed before: that the hon. baronet had taken advantage of his courtesy in not giving it a direct negative before; [Sir John Newport said, across the table, he was afraid.] "Afraid!" said Mr. Pole, "I am sure the right hon. baronet does not mean to say seriously, that I was afraid to meet his resolution with a negative. However, if he does think that I was afraid upon the former occasion, I will convince him that I am not now, by giving his resolution a most direct negative."

Sir *J. Newport* made a short reply. He read a letter from Mr. Forward himself, in which it appeared that that gentleman did not consider his situation a sinecure.

Mr. *H. Thornton* observed, that what he had heard upon the subject would make him more than ever solicitous for the abolition of sinecures, and more especially of those secured by patent.

Mr. *Ponsonby* remarked that the word patent appeared to carry in the hon. gent.'s apprehension some magical power. It was merely the evidence of the great seal to a grant, and could not secure that which it was illegal to bestow.

A division then took place—

For the resolution............ 25
Against it..................... 82
Majority............—57

HOUSE OF LORDS.

Friday, May 4.

[Poor Clergy.] Lord *Holland* rose to give a notice relative to a subject which had been alluded to in his Majesty's speech at the opening of the session, namely the making provision for the poorer clergy. He trusted he should be enabled to prove that they were entitled by law to a provision out of funds which were at present appropriated by the higher clergy to their own use. He should not now, of course, enter into the discussion; but it was due, in fairness and candour to the House, to state the nature of his intended motion. It would embrace four objects, namely, the first for an account of the amount of the first fruits and tenths known by the name of queen Anne's bounty, which had formerly been received by the court of Rome, were afterwards granted to Henry the 8th; and finally by the bounty of queen Anne were, by act of parliament, converted into a fund for improving the situation of the poorer clergy; secondly for an account of the application of this fund, thirdly, for an account of the real value of all bishoprics, prebends, rectories, and all benefices of whatever description; and fourthly, for an account of all parishes in towns and corporations which had been united under an act of Charles 2d. He intended to make these motions on Friday, for which day his lordship moved that the Lords be summoned.

The Archbishop of *Canterbury* observed that, with respect to two of the points mentioned by the noble lord, namely the amount of queen Anne's bounty and its application, he believed the information was already before the House; as to the third point, he should not now enter into the discussion; but he imagined that the noble lord must lay a very good ground for such a motion before the House would accede to it.

Lord *Holland* observed, that the information alluded to had not been presented this session.—The motion was then agreed to.

HOUSE OF COMMONS.

Friday, May 4.

[PRIVATE BILLS.] Upon a motion being made that the committee upon the Eversden inclosure bill should have time until Monday se'night to bring up their report,

The *Speaker* took occasion to notice a subject to which he hoped gentlemen would turn their attention, in order to arrange by the next sessions some plan for the better economy and management of Private Bills. It appeared that bills of this description were sometimes three months before the House, during which the parties bringing them forward were incurring expence by keeping their witnesses in town, whilst those who meant to oppose them declined to present any petition until within a few days of the day fixed for bringing up the reports. Thus the parties applying were subjected to great embarrassment and expence, to which they ought not to be liable. With a view, therefore, to guard against such inconveniencies, which were not at all necessary to any just end, it might be proper that petitioners should be called upon to come forward within a certain time, at least before the day finally fixed for bringing up the reports. The motion before the House was perfectly in order, but he hoped the suggestions he had felt it his duty to throw out, would excite attention, and that some provision would be made against the evil referred to.

The motion was agreed to.

[ASSESSED TAXES.] Mr. *C. Dundas,* seeing the Chancellor of the Exchequer in his place, begged to observe, that having before Easter given notice of a motion, with a view of correcting certain abuses and vexations in the mode of collecting the Assessed Taxes, he felt it incumbent upon him to ask the right hon. gent. whether it was his intention to bring forward a bill upon the subject, within such a time as would in all probability secure its passing into a law in the course of the present session.

The *Chancellor of the Exchequer* observed that the subject was one which had occupied his attention ever since the hon. gent. had communicated with him upon it, and that he had a bill in preparation, which he trusted he should be able to produce to the House very shortly, and which he hoped would meet the objects which the hon. gent. had in contemplation.

[PROPERTY TAX.] Mr. *Grenfell* observed that he had given notice before the holidays, of its being his intention to submit at an early period after the recess, a motion to the House upon the subject of the property duty laws. Such continued to be his intention; but as it would be unbecoming in him to occupy unnecessarily any portion of the time of the House; and as the legislative regulations which it was in his contemplation to submit to parliament might be offered when the bill of the right hon. gent. upon the subject of the Assessed Taxes, just mentioned, should be before the House, he should abstain at present from making any distinct proposition upon the subject; reserving to himself, however, at the same time, the power, if the bill of the right hon. gent. should be delayed to such a period of the session, as to make it improbable that his regulations would be discussed this year, to bring forward, by a separate motion, such propositions as the importance of the subject to the public might appear to him to require.

[SPAIN.] Mr. *Sheridan,* after alluding to the notice of his right hon. friend (Mr. Canning) that he would early after the recess move for the production of papers upon the subject of Spain, if those upon the table should not answer his purpose; took occasion to move for copies of the correspondence already laid before the other House of Parliament, to which he did not understand that there was any objection, and therefore he would move without notice. In addition to those papers he would also move for copies of the dispatches addressed to lord Wellesley upon recalling him from his mission to Spain, together with that noble lord's answer, and also his address to the Spanish Junta upon that occasion.

The *Chancellor of the Exchequer* said, that it was through inadvertency alone that the papers alluded to were not now before the House, but they speedily would, and therefore he apprehended there was no occasion for any motion upon the subject. As to the other motions mentioned by the right hon. gent. he took leave to suggest the propriety of a notice.

Mr. *Sheridan* accordingly gave notice of a motion for the day upon which his right hon. friend (Mr. Canning) had announced his intention of bringing forward a motion upon the same subject.

[EXCHANGE OF PRISONERS.] Mr. *Sharp* adverting to a notice which he had some time since given upon the subject of the negotiation with regard to the Exchange of Prisoners, said that understanding this negociation to be now extremely active, he did not wish to interfere by any motion lest it should affect its progress; and hoping, that its success would take away the grounds of his intended motion.

[CRIMINAL LAWS.] Sir *S. Romilly* rose pursuant to notice, to move for information which he thought it extremely desirable to have laid before that House, if it were only with a view to ascertain, if he might so express himself, the state of the moral health of the country. But it was peculiarly expedient to know the result of the experiments made by the enactment of certain penal laws—to know, for instance whether it was necessary that capital punishments should attach to particular offences. Upon a recent discussion he observed that gentlemen on both sides of the question could only deal in presumption as to the number of persons convicted of certain offences, who had really suffered the sentence of the law; which presumption could, of course, be no guide for forming a correct judgment. It was, therefore, his object to get at the fact. From the returns in secretary of state's office no certain data could be collected upon this subject, for many material points were not mentioned in those returns. He was aware that the information he sought for could not be obtained without difficulty. But that difficulty could, he had no doubt, he got over, as there were only six persons in England, namely the clerks of assize, and four in Wales, to whom it would be necessary to make application upon the subject. Independently of the value of the information which his motions had in view to the general police of the country, which value indeed was such, that in his opinion a regular register should be established for public reference of committals, convictions and executions throughout the kingdom, he confessed that he was induced to bring forward these motions with a view to the renewal, next session, of the proposition which had been lately rejected by so small a majority. After deploring the thin attendance of the House upon that occasion which referred to the fate of 7 or 800 persons, who were annually placed by the existing laws at the discretion of the judges, and expressing his surprize that all the gentlemen in the ministerial bench should have so completely concurred in opposing his motion, although it had no connection with any party measure, being purely of a speculative nature—the learned gentleman concluded with submitting his motion, namely, for a return of the number of persons committed throughout England and Wales, in the years 1805-6-7-8 and 9, both at assizes and petty sessions, stating the crimes with which those so committed were charged—the number against whom no bills were found—those discharged by proclamation—those convicted—those acquitted of the capital part of the charge—the sentences pronounced, and the executions which took place within the periods alluded to.

Mr. Secretary *Ryder* expressed his disposition to comply with the wish of his learned friend, and assured him that nothing should be wanting on his part to promote the object of his learned friend, which he could not, however, pretend to say, was attainable.

Sir *T. Turton* was sure that the thinness of attendance alluded to by the learned gentleman, was owing to the circumstance of so many of the members being engaged at the several sessions, otherwise there could be no doubt that the motion of the learned gentleman, or indeed, any measure, brought forward by him, would secure a full attendance.

The *Chancellor of the Exchequer* denied that party spirit had any influence whatever upon the vote of gentlemen on his side of the House, on the occasion alluded to by his learned friend. Indeed, the suspicion of any party influence was completely negatived by the very thin attendance complained of by his learned friend. For surely if party spirit were at all excited, a much greater number would have been likely to attend on either side of the House than the whole who voted upon the motion of his learned friend.

Sir *S. Romilly* again expressed his sorrow that upon a question so materially concerning the administration of justice and the lives of men, the attendance should have been so thin. He justified the expression of his suspicion as to the conduct of the other side of the House by observing that two thirds of those who voted against his motion, were actually in office.—The motion was then agreed to.

[TRANSPORT SERVICE.] Mr. *Huskisson*, after observing upon the propriety of calling the attention of the House to the expence of the Transport Service, the estimate of which for the current year was no less than three millions, moved for a return of the number and tonnage of the hired transports in the public service, describing the number on each station, and also the number of seamen employed in navigating the same.—The hon. gent. expressed a wish at the same time that his right hon. friend (the Chancellor of the Exchequer) should postpone his motion upon this subject, which stood for Monday, in order that gentlemen might have time to examine the document he moved for.

The *Chancellor of the Exchequer* saw no necessity of acceding to the delay required, as the interest of the public service called for expedition.

Mr. *Tierney* thought the delay proposed by the hon. gent. ought to be acceded to, in order to afford the House time to examine the documents connected with this subject.

Sir *C. Pole* was an advocate for delay. There were many points connected with the navy which called for serious consideration. He had no doubt that such reductions might be made in our navy as would render the additional vote of 15,000 men totally unnecessary. There were many reductions indeed which were called for by justice and humanity. For instance, old sailors should not be employed on harbour duty. It was scandalous to see men worn out in the service subjected to the labours of convicts. But there were other arrangements which it might be expedient to refer to a committee. There were perhaps 15 or 16,000 men in the navy who had not, owing to our situation, set foot on shore since the year 1795. Now, in his opinion, these men ought to be relieved from service according as they came into port. Indeed, viewing the present state of France, and of the maritime world, he could not see why a considerable reduction should not be made in our naval force instead of voting, as was proposed, a much larger amount of force than the country had ever before employed. Besides, the change which had just taken place in the government of the Admiralty was a reason for delay, that the individual appointed might have time to examine the subject.

Mr. *Wilberforce* expected to have seen, in the naval estimates, some item with regard to the construction of a Dock-yard at Northfleet.

The motion was then agreed to.

[EAST INDIA AFFAIRS.] Mr. *Creevey* rose, in pursuance of his notice, to move for three sets of papers on the subject of the affairs of India. As this was a subject of great importance, it was but fit he should state distinctly the object of his motions. The first set of papers for which he should move, would be for the purpose of shewing the nature and progress of those disturbances in the Madras army last summer which had shaken the British empire in India. From them it would appear, that this was no mutiny of an ordinary nature, and that the danger incurred was great beyond conception or example. It was not by the superiority of a handful of Europeans that our empire in India was to be preserved. The king's troops did not amount to more than 20,000 men, and the company had but three battalions. On the other hand, there was an army of from 150, to 160,000 native troops raised and recruited from those countries the governments of which we had overturned and destroyed. He feared that all these countries united in sentiments hostile to the British. In such a situation as this, what must have been their feelings, on being spectators of the British officers in array against the British government, and actually engaged in conflict?—What must they have thought, when they saw the blood of the native troops shed in a quarrel of this kind? It was a miracle that our Indian empire withstood the shock—a shock so terrible, that he was informed the government had to send emissaries to the camp to seduce the soldiers from their officers. He was astonished that the empire survived it, and was sure that it must have shaken the opinions both of the people and native troops; with regard to the British. The first set of papers as he had said, would illustrate who was right and who was wrong in this dreadful affair. At present he would give no opinion. The government accused the officers of entering into a combination, and carrying matters to so dangerous a length, that they were compelled to interfere; and, on the other hand, the officers denied all this, and accused the governor, sir George Barlow, of having, for a year before they entered into this combination, treated them throughout with wanton insult.—The only opinion he could now give was, that no provocation to the soldier could justify an appeal to arms. The next sets of papers he would move for, were connected with certain proceedings of the civil courts of law at Madras. Here it was necessary for him to state a few facts, to shew what his intention was on this part of the question. A few years ago, when the Carnatic was ceded to the company, they took upon themselves the payment of the prince's debts. To liquidate these, they resolved to set apart the sum of five millions. In this country, by an act of the House of Commons, commissioners had been appointed to inquire into the claims, and pay the money; and, last year, they had found there were claims to the amount of 30, instead of five millions. In such a matter as this, there were, no doubt, many fictitious demands. At Madras, a certain body, either from holding bonds, or for some other reason, calling themselves the *bona fide* creditors of the Nabob, prosecuted other claimants, in three different actions, for conspiracy and perjury. In these three trials, however, strange as it might sound in this country, the government took part, not with the prosecutors, but against them, and for the prosecuted; and by their influence the question was decided. The interference, too, was of an oppressive kind: several of the prosecutors were removed from their offices, and sent hundreds of miles from Madras. One person in particular, 60 years of age, who produced a certificate from his physician, to prove that removal would be dangerous to his health, and asked the reason for his banishment, was denied an answer, and sent to a place where, by his death, in a fortnight, he confirmed the physician's predictions. Not content with this, government had still further interfered, and selecting certain persons from the three juries by whom these prosecutions were tried, dealt with them as they had dealt with the prosecutors, removing them from office and sending them away from Madras. He did not mean to say that the government might not have been reduced to the necessity to exercise this power; but it seemed so strange to men in this country, that it was but fit to be inquired into. He would therefore move for the production of copies of these trials; of the orders for the removal of the persons; applications, inquiring into the causes thereof; and other papers connected with the same. The council of Madras consisted of four persons, at the head of whom was sir G. Barlow. Those who dissented from him, were, by law, to state their reasons in minutes to the court of Directors. He wished to have these, as he understood Mr. Petrie, the second in council, did object to the measures pursued. His (Mr. Petrie's) opinions too, were of some weight as compared with sir G. Barlow's; for he had been 44 years at Madras, while the latter had only been two or three there. The only remaining papers for which he should move, were such as would shew how these matters had been viewed by the court of directors and the government at home. This was more necessary, as the court of directors had divided in equal numbers on the question, whether sir G. Barlow or Mr. Petrie should be recalled? and the accidental issue was the sending Mr. Petrie to another government. Some of the directors had protested against this, and he wished to have these protests, to see on what their opinions were founded.—These were all the papers he now wanted; but, he trusted, should any others appear to be necessary during the course of this inquiry, he would be permitted to call for them. The hon. gent. concluded by moving for the mass of papers above-mentioned, being copies of all correspondence between the commander-in-chief, and the governor in council at Madras, directing the arrest of lieut.-col. Monroe, &c.

Sir *H. Montgomery* gave his hearty support to the motion. He contended that all the unfortunate disturbances in India had originated in the violence and oppression of the Madras government; and declared, that things had been done in the courts of law in India, which, had they been attempted in this country, would inevitably have produced a revolution.

Mr. *R. Dundas* condemned strongly the course which the hon. gent. had thought fit to pursue on this business. Several weeks ago that hon. gent. had moved for papers respecting it, a motion at which no one rejoiced more than himself, as he was most happy that the attention of the House should be called to it. Finding this, however, the hon. gent. after a long delay, gave so late as only yesterday notice of a motion this day for a set of additional papers much more voluminous than the others, and containing a great deal of matter wholly unconnected with the military part of the question.

With regard to that portion of the papers now moved for which really bore upon the military question, he was as anxious as the hon. gent. for their production, solicitous as he was to have the cause of the late unfortunate occurrences in India fully developed and discussed. The hon. gent. asserted, that any thing like the mutiny which had existed among the troops in India was wholly unprecedented. He wished that he could confirm that assertion. He trusted, however, that such an event would never recur; and he firmly believed, that the means which had been resorted to, to suppress the recent disturbances, were those which were the best calculated to prevent their recurrence. For his own part, he was astonished how any set of men could have have gone the length to endeavour to intimidate the government of India into concessions, as disgraceful and ruinous to themselves as they would have been destructive of the British empire in that country. Deliberative meetings of military men ought not to be permitted. They were wholly inconsistent with all idea of military discipline. He did not believe that any of the individuals who went the lengths which they subsequently did, had the least intention of doing so in the first instance. Of such a premeditated design he by no means accused them, but he trusted their example would operate as a warning to military men how they commenced acts which were incompatible with military subordination, and which must ultimately lead to the subversion of all good government, and to the overthrow of the whole power of the state. With respect to sir G. Barlow, he was persuaded that the salvation of the British interests in India was attributable to his undaunted firmness, and to his determination at all hazards to maintain the dignity and character of the British government. It was sir G. Barlow's opinion—an opinion in which he concurred, that the nation had better not have a single acre in Hindostan, than possess it subject to the pleasure of any military body whatever. The hon. mover had stated it as an alarming circumstance that the native troops had been called upon to support the government against their own officers. It certainly was much to be lamented that circumstances drove the British government in India to take this step; but he wished to know how the hon. gent. could reconcile his assertion of the general dislike of the natives of India to the British government, with the solid proof they had given of their allegiance to that government, even in opposition to those very individuals by whom they were in the habit of being daily commanded, and who no doubt in a considerable degree possessed their attachment. As for the appointment of sir G. Barlow to the presidency at Madras, all he could say was that, on coming into office three years ago, he found the government of Madras vacant. It came to be a question with the court of directors whom to appoint to that situation; for the appointment was vested in them, although it was usual for them to require the concurrence of his Majesty's government. It was his wish that a person of competent qualifications should assume that government, either from this country or from Bengal, for it did not appear to him that there were any individuals at Madras on whom it would have been expedient to confer the presidency. Sir G. Barlow had been selected because of his high rank in the Bengal service, and because of his strict honour and integrity. He was appointed as superior to all the petty intrigues of the place over which he was to preside, and which intrigues it was the constant aim of government to discountenance and suppress. Such was the history of the appointment of sir G. Barlow. When the papers came to be on the table, the House would see how far he had answered the expectations which had been formed of him. Nothing could be more censurable than the anonymous means to which, in the absence of all official documents, the officers had resorted for defence. He was prepossessed against any cause by such a mode of advocating it. He repeated that for that portion of the papers moved for by the hon. gent. which related to the military occurrences, he would vote with the greatest satisfaction; but these were coupled in the hon. gent.'s motion with documents so voluminous, and so unconnected with the military part of the question, that unless the session were protracted very much beyond its ordinary duration, no hope could be entertained of submitting them to the consideration of the House. Several of the papers likewise which would be included by the hon. gent.'s motion it would be unfit to publish. On the breaking out of the disturbances in India, the government mails had been stopped by the revolters; government were consequently compelled to stop the mails themselves, and there had come home a great number of private letters, many of them containing matter of the most criminal nature. The House was aware, however, that the governor-general of India, with the view to heal the wounds of the British empire in that country, had adopted the course (with certain exceptions) of restoring to their rank and confidence all the officers of the Madras army. It would not be fitting, therefore, under such circumstances, that the private letters which he had mentioned should be produced. They might find their way back to India, and do the individuals by whom they were written great disservice, and the country no good. To the comments of the hon. gent. on the civil proceedings of the government of Madras, he was not prepared, from the shortness of the hon. gent.'s notice, fully to reply; but in some of those comments he was sure that the hon. gent. was totally mistaken; for instance, in his animadversions on the part which the Madras government took in support of the commissioners appointed to consider the Carnatic claims. With respect also to the removal from office, of persons for their conduct while serving upon juries, he was persuaded that the hon. gent. was wholly mistaken. So far from having been removed several of the individuals alluded to had even been promoted. In his observations on the removal of Mr. Petrie, the hon. gent. had omitted several very important considerations. He had not mentioned, that before that removal the court of directors had distinctly approved the conduct of sir G. Barlow. Besides, as it was necessary that one of the three counsellors should be removed, in order to make way for sir S. Achmuty, who had been appointed commander in chief, it became a question whether of the three counsellors it was not expedient to remove the one with whom there was positive proof that sir G. Barlaw could not sit at the same council board. The conduct therefore of Mr. Petrie was not the sole ground for his removal, although it did not follow that it might not have had its influence. He should say no more on the subject, than merely to read a list of the letters which in his opinion, comprised all that it was necessary to lay before the House. This he accordingly did.

Lord *A. Hamilton* reprobated the conduct which had prompted the recent disturbances in India. It appeared to him also, that Mr. Petrie had been removed on *ex parte* evidence. It was impossible that after the frauds and tyrannies which had been practised at Madras, that country should not feel a soreness and aversion to the government, which it required all the exertion and authority of that House to mitigate. He would wish to know by what means ministers became possessed of the papers respecting that government, which they then had? He conceived that the papers of sir G. Barlow had not been transmitted legally. India, which could only be supported by truth and justice, called aloud for the interposition of this government, and her prayers for aid could not be refused.

Sir *J. Anstruther* would say a few words on the subject of sir G. Barlow's conduct. It was said that he had used a desperate experiment, and that the general opinion of the people of Madras was against the English government. The facts were quite the reverse. The conduct of sir G. Barlow was highly laudable, instead of being intemperate or desperate; and the individuals who were under the protection of the East India company, felt, and avowed they felt, that their happiness and freedom emanated from the care and the parental fondness of that government. He believed there had been many misrepresentations respecting the civil power. The particulars of their conduct could not yet be ascertained. He was one of those who did not consider the removal of a man from one place to another any disgrace, provided the change was for the better. This was the case with the jurymen, who had, many of them, received positive advantage by their removal. He wished that all the necessary papers should be produced; but if the motion for all the papers was carried, he would desire that a selection should be made, before the motion for printing them was carried.

Sir *T. Turton* said, it had been mentioned that sir G. Barlow had acted firmly in his government. It was possible that the government at Madras, like the government at home, was firm in opposing every thing in which the public interests were concerned. He conceived that the people there must be disgusted with the government placed over them, in proportion to the disgust which the English government had excited in liberal and enlightened people. It had been said that anonymous remonstrances had been made; but was it not known that punishment awaited the man who could boldly utter his sentiments? These applications failed, and the consequence was rebellion. He heartily wished that our possessions in India were gone; they were a loadstone round the neck of the country, and would, at length, succeed in sinking her. Until papers, exculpatory of sir G. Barlow's conduct, were brought forward: he would continue to think unfavourably of him.

Mr. *Grant* said that a great deal of mischief would be occasioned by the intemperate discussion of Indian affairs in that House. Sir G. Barlow had been treated most unfairly by several of the gentlemen who had taken a part in this discussion. There were no grounds for a single accusation against him. The whole of that gentleman's conduct, during the late proceedings in Madras, was such as raised him highly in the opinion of all who were acquainted with him. He would restrain himself with respect to the particulars, till the papers were laid on the table.

Mr. *Grenfell* supported the motion.

Mr. *P. Moore* said, it was the duty of the gentlemen opposite, to bring the subject forward long since. He asserted that the army of Madras, instead of being in the state described by an hon. gent. (Mr. Dundas) was remarkable for loyalty when sir G. Barlow entered that country, and it was the duty of ministers to see whether irritation had not been the cause of sedition.

Mr. *Lushington* said, it was improper to enter into so full a discussion, without the necessary documents. He had heard contradictory statements from both sides, but no satisfaction whatsoever had been given. He considered the conduct of sir G. Barlow as unnecessarily harsh; but, however harsh it was, it could not warrant the crime of sedition. He hoped that tranquillity would be soon restored, by uniting the civil and military authorities.

The question for the papers was then put, and agreed to.

[KING'S MESSAGE RELATING TO THE DUKE OF BRUNSWICK.] The House having gone into a Committee on his Majesty's message,

The *Chancellor of the Exchequer* proposed a vote of 7,000*l.* a year to the duke of Brunswick. He in a few words commented on the heroic exertions of that illustrious personage, in defence of his dominions, the loss of which arose out of his connection with this country, or at least that connection was one of the operating causes. He reminded the House of their liberality in the fatal period of the French revolution, and compared the superiority of claim in the present instance, over that of any case that then occurred. He then moved, That it is the opinion of this Committee that a sum not exceeding 7,000*l.* a year be granted to his Majesty, out of the consolidated fund, to enable him to make provision for the establishment of the duke of Brunswick as long as the occupation of his territories by the French troops, precluded him from returning to the possession of his dominions.

Lord *Milton* did not rise to oppose the motion, but to question the propriety of drawing the sum demanded from the source alluded to. The enormous increase of taxes he believed to be the real cause of the present popular irritation, and it behoved ministers to look out for supply from some other source than the burdens of the people. The droits of admiralty would be amply and well calculated to contribute to the exigencies of the personage in question.

Mr. *H. Martin* had no objection to the grant, provided it was drawn from the admiralty droits, or some such source; and required to be informed why that might not be done?

Captain *Parker* asked, would it be possible for man to describe the feelings of the people of England, if they saw a prince begging through their streets?

Mr. *Hawkins Browne* thought the people of England would submit to any sacrifice sooner than witness such a spectacle. He added that the illustrious prince in question had a large family to support.

Sir *J. Newport* said, that there was no disposition to refuse that personage the provision proposed, but he thought it a matter of no little importance to ascertain whether that provision might not be made without adding to the burthens of the people; as to the claim of large family, so pathetically put forth by the hon. gent., that plea, he suspected, would not turn out to be well founded, or if it did, it must shock the piety of that hon. gent. to be told, that the duke of Brunswick never had been married [a laugh] at least, such was the rumour.

The *Chancellor of the Exchequer* thought that the hon. baronet might have learned a sufficient lesson from the proceedings of last night, that would have restrained him from making a charge upon a mere rumour. The duke of Brunswick had no wife, because he had had the misfortune to lose her, and was left with two children to heighten, and, at the same time, to console his misfortunes.

Sir *J. Newport* disclaimed any intention of throwing out an imputation against the noble duke, but he would assure the right hon. gent. that no lesson of the kind alluded to, should deter him from prosecuting any public malversation whatever. He admitted that in the case of last night a candid defence had been made out, and he was not ashamed of such admission.

The motion was then agreed to.

HOUSE OF LORDS.

Monday, May 7.

[CRUELTY TO ANIMALS BILL.] Lord *Erskine*, after the second reading of this bill, rose and moved, that the House should resolve into a Committee upon it. His lordship said, that having addressed the House at considerable length on this subject last session, he should endeavour to discharge the obligation he owed them for their patience on that occasion, by forbearing to consume much of their time at present. He had a high respect for the talents, and a personal friendship for some of those by whom his bill was opposed in the other House; and he was perfectly satisfied with their exercise of their right of judging for themselves, but considering the majority in favour of the bill, in one of its stages, he could not see that it was ultimately lost in the other House on the principle of it. He made alterations in the present bill to remove the chief objections that had been already urged against it. The word "malicious" he had inserted in order to make it clear and certain that it was upon that ground only that an indictment or conviction could take place. He had likewise omitted the word "beat" in the terms employed to express the kind of cruelty inflicted. With these alterations, he intended to reconcile the different views of persons in so important a matter.

Lord *Ellenborough* was convinced of the excellence of the motive that had given birth to this bill, but could not agree altogether to its provisions, being persuaded that if it passed as it now stood, it would cause more vexation to mankind than was now suffered by the brute creation. If, however, his noble and learned friend would give up the term "or otherwise abuse," he should have no objection to the bill; but if these words were suffered to remain, he must oppose it, being convinced that under these indefinite words the greatest vexation would arise by means of charges made under so vague an enactment before magistrates.

Lord *Erskine* expressed his hope that they should agree upon the subject in the Committee.—The bill was then committed for the next day.

[STATE OF THE COUNTRY.] Earl *Grey* rose and said, that when he turned his mind to the consideration of the present state of this country, which every thinking man must at this moment, be compelled to do with the greatest seriousness and anxiety; whether he looked at our situation as connected with foreign affairs or the management of our domestic concerns; whether he looked at the conduct and events of the war in which we were engaged, or at the measures pursued at home; in whatever light he endeavoured to view our situation, either as to the conduct of government, or the state of the public mind, he must confess that the feelings by which he was actuated were any other than those of joy, or cheerfulness, or hope. The claims that such considerations had upon their lordships' attention, and that of every public man in the country, were irresistible, and he felt it to be his bounden duty to take this public notice of them in their lordships' House of Parliament. Our situation was, indeed, such as must make it desirable to give support to the government and constitution of the country, which were at present placed in a situation of singular danger. But it was far from his intention to add to the evils of the country by rallying round, as it was called, or joining with the present administration, which was so mainly the cause of our existing dangers. Notwithstanding that report had been pretty generally, he hoped not maliciously, circulated, he took that opportunity to state to the House and the public, that it was very far from any intention entertained by him. On the contrary, he felt it to be his duty to arraign and to expose their gross mismanagement, and repeated and dangerous misconduct, to parliament and to the nation. To rally round them entered not into his mind; but he would rally round the parliament and the constitution. From the commencement of their power, the King's present ministers had continued to act worse and worse. They lived merely on a miserable set of shifts and expedients, calculated only to meet or elude the passing events of the hour; but totally without plan or design, or any settled system befitting their situations, and tending to the service and benefit of the crown, or of the country at large. After bringing themselves and the state by their own gross misconduct into the greatest difficulties and dangers, they vainly, weakly, and rashly thought themselves able to encounter all the perils of the storm, without chart, or compass, or rudder to direct them. They did nothing to remove or avert dangers—nothing to pacify, nothing to conciliate the mind of the public. At one time they strained the power of government beyond its pitch, and at another they exposed the frame of the constitution to the greatest danger. They exhibited by their councils and conduct a mixture of weakness and rashness, of ignorance and violence. In every public act, they only tended farther to offend and to disgust the public mind. No man could look upon the state of our affairs under their mismanagement, without participating in the anxieties and fears, and indignation which he felt on the subject. While he saw the necessity for parliament's taking the subject into their most serious consideration, he must say that unless parliament were fully impressed with a deep sense of the duties they were so urgently called upon to perform, he felt little hope or confidence from any effort that he could make, even though supported by the powerful aid of his noble friend sitting by him (Lord Grenville), to whose integrity, talents, and wisdom, as well as those of other noble persons, who entertained similar public principles and views, for saving the country from its dangers, and procuring for it future benefits, the nation must look up. But while he considered ministers as the cause of so many calamities, he never could bring his mind to be friendly to any system, the object or consequences of which was to delude the public mind, taking off their attention from the true interests and the real dangers of the country, and assuming the shape, not of complaint against, and a desire of redress from specific evils, but of a systematic opposition to the frame and essential privileges of the parliamentary constitution, from which we had derived such benefit and happiness. He hoped, that at the present crisis, any such appearances were only imputable to error and mistake, and had no foundation in any disposition to undermine or impair the constitution, which was the best security of the throne, and of the rights and liberties of the people. The privileges of parliament he conceived to be absolutely essential to its independence, to its existence; or else, in all the experience he had been able to acquire in parliament—in all that he had heard or seen, or read upon the subject, he had been entirely wrong. The opposition now raised was hostile to the whole of the privileges of parliament; privileges assumed originally for the sake of the independence of parliament, and of the liberties of the subjects of the nation. Sure he was, that all the great and wise, and experienced public men whom he had known, under whatever political description they might be classed, entertained that opinion that it was essential to maintain those privileges of parliament which had been so long acted upon, sanctioned, and acknowledged. Convinced sincerely that the privileges of parliament were so necessary in a constitutional view of the subject, he was equally ready to meet the just and constitutional claims of the people of this country, which could in no other place but in parliament be justly and advantageously considered or attended to. The sentiments he entertained he had no difficulty in declaring. The public was anxiously solicitous for reforms; and he thought there were reforms which, more especially after what had passed, they had a just right to claim and to demand. They had a right, in the first place, to demand all useful and practicable reforms in the management and expenditure of the public revenues, the responsibility of the public agents, and all that was connected with a due regard and attention to economy in every branch of public affairs. They had also a right to ask for a reform of those evils which, in the course of time, had crept into the frame of the government; and also for a reform (founded upon the principles, and kept within the form, and pale, and object of the constitution) of those evils which had crept into the composition of parliament itself. He was sure that the people would not be misled and deluded into the fallacious idea of seeking for redress otherwise than by the forms of that constitution which had been the parent and support of their rights and liberties, and all the benefits and happiness they enjoyed: and which, whatever grounds of objection might be made to particular evils and abuses, had been, and still was, the best constitution that the world had yet seen, for every good and practicable purpose. He never was more deeply impressed with any subject, than he was with the present general situation of the country in all its most important relations; and he was convinced that it was his duty to move an address to his Majesty, expressive of the opinions entertained by himself and those with whom he had the honour and happiness to be politically connected, stating the causes which, in their judgments, had produced this alarming crisis, and humbly recommending to his Majesty such measures as the honour of the crown and the security and happiness of the country imperiously demanded. As these were subjects of great importance, that required the almost immediate attention of their lordships, he should conclude by giving notice of his motion for such an address to be moved by him on that day three weeks.

The Earl of *Liverpool* said, that satisfied in seeing that the noble earl perceived the situation of the country, and the necessity of upholding the privileges and dignity of parliament, notwithstanding the severity of the observations which he had made on the conduct of his Majesty's ministers (a severity which he was bold to say was totally unmerited by them), he should thankfully receive the assistance of that noble earl in the support of those privileges which were necessary to the well-being and security of the constitution. It was by no fault that could with justice be imputed to administration, that subjects of recent notoriety had occurred, and which every man must regret. But at the proper time when this question came before them, if it was intended to blame ministers, he should be ready, and he did then put in his claim to defend their conduct to the satisfaction of the House and the country. As sufficient time would elapse previous to that discussion, he hoped the noble earl would give him an idea of the objects of his address.

Lord *Grenville* thought, that the intelligible and able statement of his noble friend must convey to ministers a pretty correct idea of the object of the address which he intended to propose. The country saw, indeed, its difficulties daily increasing. Our dangers were accumulating upon us, and surrounding us, from the increasing pressure of our expenditure, and more especially from the imbecility, rashness, and folly of the King's ministers, who shewed the greatest political incapacity, and absolute ignorance of the constitution, of the principles of which their very first act, their entrance into power, was a violation. Danger had likewise increased from another quarter; and even our parliamentary constitution had become the object of attack. His lordship must now contend for the necessity of maintaining the privileges of parliament. They had been assumed in the earlier periods of the Stuarts for the support of the independence of the parliament, and of the privileges of the people themselves. They had been maintained and acted upon ever since, and had become part of the law and usage of parliament. Our rights and liberties were not secure without them. He concurred most cordially with what had been so ably said by his noble friend: he was not one who would rally round the administration, but he would rally round our parliamentary constitution. To our parliament our country owed its liberty, its greatness, its prosperity, and its happiness. No delusion could be more gross and fatal to the public, than to suppose that there was any other quarter to which they could look for any amendment in the present state of public affairs, for maintaining their best rights and interests, or for any beneficial improvements in future. It became the indispensable duty of the House to take some measures suited to the danger of the times, and he fully approved of the mode proposed by his noble friend, by an humble and suitable address to his Majesty.

Lord *Erskine* said he felt himself called upon to say a very few words to their lordships, although he was afraid irregularly, as there was no question before the House. [Lord Erskine was here told that there was a question, though of form, that the House should be summoned that day three weeks.] That being so, he could speak with more freedom upon what appeared to him to be a most momentous subject. He said he entirely agreed with his noble friend who gave the notice, that notwithstanding any imperfections with which time might have visited our happy constitution, it was the best and wisest upon the face of the earth, and under which there was the greatest enjoyment of happiness and freedom; but it was impossible to contemplate that perfection without adverting to the principles which were its essential characteristic. Its characteristic indeed had been correctly and luminously expressed by his noble friend (lord Grenville), who sat next to him, when he said, "that parliament was the author of it, and that like our ancestors, from whom we inherited our freedom, we should rally round parliament; so said his lordship; because in rallying round parliament, or in other words, round the King, Lords, and Commons, we were rallying round the constitution and the laws; around which all were disposed to rally." It was the cause of the immediate reference to this sound doctrine that obliged him to address their lordships. His noble friends had adverted to the late exercise of privileges by the House of Commons, and of the sensation they had created. If they alluded only to the disturbances in this great city which they inhabited, he joined in lamenting them; but if they involved in this sentiment the legal resistance by those who had been the objects of them—if they alluded to actions which, though not pending, were in immediate prospect, he must declare that he considered it to be a matter of the greatest magnitude and importance, which the laws alone ought to determine, and with which their lordships had at present no matter of concern. If the privileges of the Commons under the constitution had been invaded, the Commons wanted no assistance from the Lords to protect them—the laws would protect them; and if in the invasion of their privileges, the Lords' privileges were by analogy invaded, it less became them to be forward in their assertion; more especially as the question might come legally and judicially before them. No man would more zealously defend the privileges of parliament, or of either House of parliament, than he should; and he admitted, that what either branch of the legislature had been for the course of ages exercising with the acquiescence of the whole legislature, would, in the absence of statutes, which would be the grand question, be evidence of the common law of parliament, and, as such, of the common law of the land. The jurisdiction of courts rested in a great measure upon the same foundation: but besides that, these precedents, as applicable alike to all of them, were matters of grave and deliberate consideration; they were, and must be, determined in the end by the law. He knew that the contrary was insisted upon by the Commons, when they committed lord chief justice Pemberton for holding plea of them in his court; but so far was he from considering such a claim as matter of argument under this government of law, that I say advisedly, said his lordship, that if, upon the present occasion, a similar attack was made upon my noble and learned friend (lord Ellenborough) who sits next me, for the exercise of his legal jurisdiction, I would resist the usurpation with my strength, and bones and blood. Why, was any danger to the House of Commons or the country to be anticipated by a sober appeal to the judgment of the laws? If his noble and learned friend and his brethren the judges had no jurisdiction over the privileges of the House of Commons, they would say they had no jurisdiction. If they thought they had, they would give a just decision according to the facts and circumstances of the case, whatever they might be. These facts and circumstances are considered, however, too clear for inquiry; yet the King's attorney general, and a member of the House of Commons, when called upon by the serjeant for advice upon the subject, was obliged, and most properly, to admit that there was no precedent to be found for his forcibly prosecuting, and that if death ensued he could not undertake to insure him against a conviction, and an execution for murder. Was this the character of an immemorial and an acknowledged jurisdiction? But it was said that there was an end of the privileges of parliament if they must pray in aid the King, or any other authority, to support their jurisdiction. Yet, in the very instance alluded to, they were obliged to pray in aid the King—not of his laws indeed, to which the people would have paid the most implicit obedience, but of his bayonets, which, when contrary to law, they would resist. He desired to warn their lordships against too hasty a resort to force, until right had determined its application. It was a dangerous resort, which never could be necessary in the government of the British people, when the laws were on the side of authority; let the laws speak first, and if they were disobeyed, the people, instead of resisting, would obey, and execute them themselves. There was another view in which this question must be looked at. He was giving no opinion whatever on the subject, but stating only the question. Suppose there should be positive statutes upon this subject, before the possible origin of any jurisdiction of the House of Commons—it was contended that there were—he was still giving no opinion; but was it not open to the subject, if he were advised to plead such statutes in bar of the privileges in the cases contended for? and could any authority but a court of law overrule such a plea? Could the Commons themselves resist the effect of such statutes, to which they were parties? There might be statutes indeed on such a subject, which, except in form, wanted no judicial cognizance, because every man could read for himself. If a written law would bear two interpretations, and the worst interpretation had been given to it by a series of decisions, that worst interpretation was undoubtedly the law; but where a statute spoke a clear, plain, unambiguous language, the people had a right to the protection of its letter, and they ought to insist upon that protection. The parliament might repeal it, but whilst it was a statute, neither the King, Lords, or Commons, or all three of them, had any dominion over it. It might appear he was putting an almost impossible case; but on that very ground he had defended from death the subjects of this country, and perhaps more than them; their lordships might not have been sitting to-day to hear him, if upon these grounds he had not successfully defended the dominion of the laws. He was then told that a conspiracy to levy war against the king was treason, as an attack upon the natural life of the king; he had said, no! because the statute of Edward 3 under any interpretation, had said no also. He was told that lord Hale and lord Coke were against him; to which he had answered irreverendly perhaps, but in other respects rightly, that their authorities were no more against a positive, unambiguous statute, than so many large flies buzzing against a wall; and so he should for ever maintain. Lord Erskine here said, "I would rather die, my lords, than submit to any dominion but that of the law. I know the law upon this subject, my lords, as well as any of your lordships; it is impossible I should not; and it would be criminal to surrender or even to withhold my opinion." If he had been warm upon the subject he must be pardoned; he could not alter his nature—what he had ever been through life he must be to-day—what had been the character of his mind and understanding must continue to be its character. He made no apology to his noble friends for this expression of his opinion. They would little deserve the character they justly had in the country, if they were capable, not merely from courtesy, but even from confidence and affection, to compromise opinions upon such grave and important questions. He was most sincerely attached to the principles of those with whom he had so long acted, and particularly to his two noble friends, whose unquestionable integrity and superior talents intitled them to the great station which they must ever hold in the opinions of mankind. It was to secure that pre-eminence that he made these observations, because he knew that nothing could ever secure contentment and happiness in this country, but the protection and dominion of the law.

The Lords were ordered to be summoned for that day three weeks.

HOUSE OF COMMONS.

Monday, May 7.

[THE KING'S LETTER TO FERDINAND VII.] Mr. *Whitbread* said, that having read a letter in all the public papers, purporting to be written by his Majesty, and sent to king Ferdinand VII. he begged leave to ask a question of the right hon. gent. opposite, viz. Whether it was to be looked upon as a document which had any pretensions to the character of authenticity?

The *Chancellor of the Exchequer* declined giving any answer, on the ground that it might be prejudicial to the public service.

Mr. *Whitbread* said, he could not conceive how a letter that had been so profusely published, both in the French papers and those of this country, and which must thereby be known to all the world, could in any respect prove inconvenient or injurious to the public service.

[SIR FRANCIS BURDETT'S NOTICES TO THE SPEAKER.] The *Speaker* said, that before the House proceeded to the general business, he felt anxious to call their previous attention to a due consideration of the subject matter, and circumstances of the two Notices received from sir Francis Burdett, and communicated by him (the Speaker) to that House. This was the more necessary, as the law term was so near commencing. He waited, therefore, the result of the serious consideration of the House upon the proceedings had and to be had, respecting a subject so deeply interesting to their privileges.

The *Chancellor of the Exchequer* said, that he was not then aware of any course more fit to be adopted upon a matter of such importance, than that of moving the appointment of a Select Committee to consider of the proceedings had and to be had in reference to the Notices communicated to that House by their Speaker.

The *Speaker* observed, that perhaps the more convenient way, in the first instance, would be to enter the Notices as read, and then move for the appointment of the Select Committee. The Notices were accordingly entered as read.

The *Chancellor of the Exchequer* then moved, That there be appointed a Select Committee to consider of the proceedings had and to be had, with reference to the Notices served upon the Speaker at the instance of sir Francis Burdett.

Mr. *Whitbread* expressed a wish that the right hon. gent. would condescend to put the House in possession of the grounds upon which he thought it right to move for the appointment of a Committee. The right hon. gent. might have reasons, which though satisfactory to himself, might not when stated be equally so to many others who had come down to the House, without having yet made up their minds upon what was the best course to be pursued in a case of such unprecedented difficulty.

The *Chancellor of the Exchequer* replied, that it was with a view to obviate the necessity of any discussion in the present stage, that he had moved for a Committee in the first instance. To provoke a debate upon the case as it then stood, would only be calling upon the House to do that which could be so much more conveniently done by the Committee. Besides, the House could not be so well enabled to form their judgment, upon what would be the most advisable mode of proceeding, before they had been furnished with the result of the Committee's deliberations. They would judge of the report made by the Committee, and act upon it accordingly; but he thought that, before they had received the opinion of that Committee, upon the course they would recommend to be pursued, any discussion upon what would be that best course, would be premature, and defeat the very object of the motion he had made.

Mr. *Adam* rose, and objected to the terms of the motion, as too general, vague, and undefined; that it adopted the words in which the communication was made, which were very proper as communication, but very unfit as resolution. He observed that the motion did not even conclude with an order to report. As to the great question involving the privileges of that House, Mr. Adam said, he had made up his mind upon it. His conviction was, that their privileges must be maintained inviolate by resolving and acting according to their privileges; therefore he saw no reason for a Committee at all; at the same time, if it was the wish of others, he should not object to it; but then it must be confined and restricted. He thought the motion, as it was now worded, transferred to the Committee the powers of the House, and established them as a committee of direction, which was most objectionable, as it admitted of a construction inconsistent with their privileges, and raised a doubt where none existed. A Committee might, for the satisfaction of members who had not had leisure themselves to search, be appointed to report facts and precedents, but not opinions. He would therefore suggest the propriety of a verbal alteration in the motion, authorizing the Committee, so appointed, to report to the House facts and precedents.

The *Speaker* observed, that the usual method was to insert in such motion certain formal words of instruction to the Committee.

The *Chancellor of the Exchequer* was proceeding so to alter his motion, when

Mr. *Adam* suggested the propriety of requiring the Committee to give in their Report upon a certain day. The time of notice was nearly expired, and there should be as little delay as possible, upon a matter of such importance. The more he considered the subject, the more serious he thought it. He wished therefore that the Committee should be required to report within a certain time.

The *Speaker* apprehended that it was not usual with the House to limit the deliberations of their Committees, by compelling them to deliver in their Reports upon a specific day.

Mr. *Adam* stated, that it had so happened, that in the course of that morning, in searching for precedents, he had met with the case of Mr. Hobart's servant: having been arrested for debt. The Committee appointed upon that case were directed to give in their Report upon the following Wednesday.

The motion then stood thus:—" That a Select Committee be appointed to consider of the proceedings had and to be had, in reference to the Notices communicated by Mr. Speaker, to examine into facts and precedents, with reference to the said Notices, and to report the same, with their opinion thereupon to the House."

Mr. *Whitbread* rose to oppose it. He said that from the commencement of that unhappy contest down to the present stage of it, the right hon. the Chancellor of the Exchequer had gone on step by step with equal ignorance of what ought to be done, and equal improvidence as to the consequences of what was done. He first persuaded the House to commit itself in such a contest, without foreseeing or providing against the consequences of his own rashness and precipitancy, and then, as soon as it became involved in the embarrassments they led to, the right hon. gent. asked leave to take the Easter Recess to consider the best means of extricating them from the difficulties his councils had created—the Easter Recess passed, the right hon. gent. came before them, and proved in his very first proceeding that he was as ignorant and as improvident as ever. He did not know what to do, but still he would be doing; and accordingly he made a motion, which he (Mr. Whitbread) agreed with his learned friend (Mr. Adam) would, if carried, have had the effect of delegating to a Committee the question of the House's privileges, of which the House itself was the judge. If the House thought proper to submit to be so led by the right hon. gent. from one step to another, they would have themselves alone to blame if they found themselves guided from error to error. The fact was, that throughout the whole business the conduct of the right hon. gent. had shewed that in his views of that question he had been guided by no fixed principle. He did not know what to propose to the House; he had no advice to offer; and not knowing what to do, he proposed that a Committee should be appointed to inform them what they were to do. Under such circumstances, it would be disgraceful, in his opinion, to transfer to a Committee what was their own business. Let the House meet the question at once, and decide upon what proceedings it would become them to pursue; and not resort to the appointment of a Committee, as if it were designed as a pretence for procrastination. For these reasons, and because no reason whatever was advanced by the right hon. gent. in support of the motion, he should vote against it.

Mr. *Ponsonby* said, that he understood that the present motion had been made in consequence of a communication made to the House by their Speaker; the object of which communication was, he presumed, to obtain the directions of the House in the very important case to which it referred. He did not think that the present motion was calculated to answer that object, and he had serious doubts how far it would be right in that House to receive instructions from a Select Committee upon the question of their own privileges. They would do well to consider, whether the appointment of a Committee would not tend more to excite than to remove the doubts respecting their privileges, which unhappily existed at this moment. If they could receive any communication from a Committee upon such a subject, he thought it should relate only to such facts as they had examined into, and upon which they judged it necessary to report their opinions; the business of such Committee, however, would more properly relate to facts than opinions. He, however, entertained such serious doubts of the propriety of appointing a Committee to give the House information as to its privileges, that he should beg leave to suggest the propriety of adjourning the present debate rather than appointing a Committee.

Mr. Secretary *Ryder* said, that what had fallen from the hon. gent. who spoke last but one, was only a renewal of that general abuse in which he was in the habit of indulging, and which did not require an answer. But with respect to the observations of the right hon. gent. who spoke last, he would beg leave to observe, that the mode recommended by his right. hon. friend, the Chancellor of the Exchequer, was that which was usually adopted by the House upon similar occasions. With respect to the objection of the Committee dictating to the House, he did not think that was a fair statement of the proposition; the opinion of the Committee was not obligatory upon the House; they would use their own discretion; and on the report being made, it would be for them to follow or not to follow whatever suggestions it might submit to their final consideration. He was sure that the House would be able to decide after they had received the report more satisfactorily and conclusively than they now could do after such a desultory debate as might be expected in the present stage of the business.

Mr. *C. W. Wynn* thought that the objection that had been made to delegating the authority of that House, on the question of their privileges, to a Select Committee, had great weight. He knew of no way of obviating that objection, but by referring the case to the Committee of Privileges, instead of that which it was proposed to appoint.

Mr. *Tierney* complained of the difficulties into which the House had been led step by step by the ignorance of the right hon. gent.; at their breaking up for the recess he had set them a sort of Easter task, and so well in the interim had the gentleman himself learned the lesson he was to teach, that he now called upon the House to appoint a Select Committee to give him and them the necessary instructions. The right hon. gent. had pledged himself to consider the subject. Had he done so? and if he had, what was the result? that he neither knew what to do or what to advise; if this was not the case, why appoint the Committee; or even if it was, why call upon any Select Committee to teach the House their privileges? The right hon. gent. was bound to consider the consequences of the rash proceedings he had been so earnest with the House to adopt. Suppose the Select Committee should be for pleading and that that House should be against pleading, would not a schism of that kind tend to strengthen all the growing prejudices against their privileges? He did not think it right that the Committee should give an opinion, for he could not consent that the question should be prejudged before it came under the consideration of the House in general. He concluded with moving, to leave out the words "with their opinion thereupon," so as to confine the Committee merely to report precedents and facts.

Mr. *R. Dundas* could not see with what justice ministers were chargeable with ignorance and rashness; was it to be contended that those who voted for punishing an attack upon the privileges of that House, and for calling forth its authority in defence of its privileges, were criminal, because they did not foresee that that authority would be resisted?

Sir *Arthur Pigott* said that three weeks had already elapsed since the Speaker had communicated to the House the Notices in question. That communication had been made on the 17th of last month, and it was now the 7th of May; the proceeding was entirely new; it had never before occurred; never in the times of the worst reigns, when that House was contending for the liberties of the people in their assertion of their own privileges; never was it known that an individual commenced proceedings at law against their Speaker for issuing his warrant in obedience to the vote of that House; yet unprecedented as was this circumstance, happening too at a period teeming with those monstrous and unheard of novelties, which are at once the peculiar characteristic and disgrace of the present times, his Majesty's ministers pass over the whole business as an ordinary occurrence; the Notices are ordered to be entered upon the Journals, and nothing more is heard of them till three weeks after; till within a day of the term; the day after to morrow would be the first day of term, and the month would soon be expired. Was there, he would ask, nothing in that impertinent paper, calling itself a Notice, to awaken the attention of ministers? Ought they to have slept upon it so long? Or ought they not rather to have seized the earliest opportunity of bringing the question to final issue? In expressing his opinions openly and frankly upon this question, he believed himself to be discharging a great public duty, because in doing so, he did all that lay in his power (limited as was that power, and humble as was his influence) to counteract a great public delusion, by which the honest, the undesigning, and unwary, were made the pliant dupes and tools of artful men. Such a crisis did not admit of negligence or delay. Why had nothing been done in consequence of those notices till that day, when the day after to-morrow would be the last day of term?—Did not ministers know that this action was threatened, and what excuse had they in delaying to take any steps, until the day but one before term? If they were ignorant of the proper course for the House to follow, why did they not at first recommend the same step which they now propose? The delay that occurred was highly reprehensible upon a question involving such important considerations—a question attended with the most perilous difficulties—a question, whose issue went to affect the constitution of parliament, and which was so seriously expected by the public—a question upon which he himself never had and never could have a doubt, notwithstanding all that was duly circulated by the persons initiated in the new school of Privilege. Of the Privilege of that House to commit in all cases for offences against itself, he not only never had a doubt, but he was convinced it could not part with it, without surrendering all its legislative, its inquisitorial, and judicial functions. But it was contended by the disciples of the new school, that the power of the House did not extend to libels. It extended to all offences committed against itself. It was contended that the libel should be tried by a court of law. How was the House in such a case to proceed? It could institute no process, nor bring any action in its own proper character. It must supplicate the crown to take up such a prosecution. Whatever, under such circumstances, was the decision of a court of justice, it was open to the party prosecuted to appeal to the House of Lords, and by such an act the House of Commons was reduced to the necessity of having its own privileges tried and determined upon by an estate of parliament, with which it ever claimed a co-eval and co-extensive authority. Contemptible and shallow were these pretenders who ventured to deny this right, and to insult the crown by an affected regard for its dignity, which they considered was impaired by the exercise of that privilege. It was astonishing that the threat of action had not before been taken notice of; that in this novel and unprecedented case, the House had not taken some steps or agreed to some resolutions expressive of its opinion and determination upon the subject. Besides, when he considered the daily trash circulated upon this subject, he was more deeply impressed with the necessity of that House entering into resolutions which might prevent the progress of that delusion, which, though disregarded by every reflecting mind, was calculated to deceive the ignorant and the unwary. Had it before done so, the present emergency might have been avoided; not that he thought the individual who gave the Speaker the notice of his intention to bring an action, would be induced to desist, but that his instruments would be prevented by the determination of that House. Suppose that the Lord Chancellor, having committed an individual for contempt, had been told, sitting on the bench, by an attorney, that it was his intention to bring an action for false imprisonment on the part of the person committed? What course would his lordship in such circumstances take? Was it not to be presumed that he would at once order the attorney to the care of one of his lordship's tipstaffs? That the House had the power to act at once he was fully satisfied: nor did he see the necessity of appointing a Committee at all; if, however, it was considered the best course in this stage to appoint such, he would only give it his assent in the manner specified in the amendment of his right hon. friend, namely, that it should examine into facts and precedents without reporting any opinion of its own.

The *Solicitor General* expressed his perfect concurrence in every word uttered by his learned friend, respecting the extent of the privileges possessed by that House. The impression of his speech upon that point, he would not attempt to weaken by a repetition of the same arguments; but he was conscious that every member of that House, if it was to exist at all as an estate of Parliament, must see the utter impossibility of drawing any distinct line of difference in the exercise of its power to commit for offences against its privileges. Adverting then to the narrower part of the question, namely, what course ought to be adopted in consequence of the Notice of action served upon the Speaker, he could not subscribe to the inference drawn by gentlemen opposite, when they blamed ministers for having suffered so much time to elapse without pursuing the proper course. Why, when the House of Commons was attacked, were ministers to be considered the only persons to recommend what ought to be done in consequence? Was it respectful to the House itself to say that its privileges should only be protected by his Majesty's ministers? The threatened action was against the House, and it was equally the duty of all to propose the proper means of defence. If also there was any blame for the delay that had occurred, it attached to one side as much as to the other. But it was said, that the proceedings which led to this state of things were the act of the ministers. Such language should never be received but with reprobation. It might, indeed, be a popular argument out of doors, but never ought to be sanctioned within the walls of that House. Those proceedings were adopted by a majority, and the moment they were agreed to, they became the acts of the House of Commons. With respect to the measures which the House ought then to adopt, he was friendly to the appointment of a limited Committee, which should search into all facts and precedents, and report its opinion. From that report the House would be able to arrive at a conclusion, which being duly and fully considered, would be acted upon with that determination which the case rendered absolutely necessary.

Mr. *Windham* said, that the question divided itself into two branches. One as to the conduct which had hitherto been pursued; the other as to what would be expedient, under the present circumstances. He complimented sir A. Pigott for the broad constitutional doctrines which he laid down, and professed his agreement with him in the narrower, as well as in the wider view of the question. The situation of the House at present, was, in many respects, novel; but there did not appear to him to be that ground of doubt as to the proceedings they should adopt, to call for the appointment of a Committee. If, however, such an appointment was thought necessary, the House should not delegate its power to the Committee; it might happen, that, in case of difference between the Committee and the House, people would begin out of doors to dispute as to the right of the House to differ from it. Time was also to be considered of importance in the present stage of the business, and therefore, he was of opinion that the power of the Committee should be limited to search into facts and precedents, and that no report should be given.

Sir *T. Turton* severely censured ministers for having suffered this matter to be dormant from the 12th of April to the 7th of May. It was disgraceful, that a notice should have been suffered to be served on their Speaker, and no discussion had on it for almost a month? They were told by one hon. gent. that they ought to come to a decision as to their future proceedings, because the term began on an early day. What! were they to be afraid of a court of law, or to think any court could touch their rights? The very notice was, in his opinion, deserving of being treated as one of the grossest breaches of their privilege. Would they allow process against their Speaker, and that he should be treated as a private individual? The very discussion of such a question was an insult. He did not mean to approve of the proceedings into which they had lately been led, on the ground of expediency, but he must defend them on the ground of privilege, on which it was impossible they could be censured.

Mr. *Adam* expressed his coincidence in every argument and observation of sir A. Pigott. He said, most truly had his learned friend shewn, that this great question affected the very constitution of Parliament, and that, if the House did its duty with fairness, the absurdities of the doctrine of this new school of privilege would be beaten down, and the just right of that House and the people unquestionably established. Mr. Adam said, he did not rise then, however, to detain the House with the repetition of opinions which he had already discussed at so much length, but merely to recommend such a modification of the original motion, as should insure that unanimity, which was most desirable in the step that the House was adopting, and at the same time to secure against the committee being empowered to deliver opinions, which would convert it into a committee of management or direction, and would embarrass the House in coming to a decision, on the only principle on which it can act, namely, by enforcing obedience to its privileges, according to its power. Mr. Adam said, that it was to be recollected that the original motion for the Committee was not worded after due preparation (by its proposer, Mr. Perceval), so that it could not be supposed that he would be tenacious in adhering to it. It was worded on the sudden, adopting the oral dictation of the chair. The mover could have no desire, therefore, strenuously to support it against any modification. What he would recommend was, that the Committee should search into precedents and examine into facts only; and by acceding to that modification, celerity, a most necessary object, would be obtained; whereas, if the House called for a report of their opinion upon the question at large, in addition to the other embarrassment connected with the power to give opinions, considerable delay must be the consequence; and the House be clogged with the opinion of the committee.

The *Chancellor of the Exchequer* was glad the hon. gentlemen over the way had at last argued themselves into the opinion that no party consideration ought to enter into this debate. When he first introduced the subject he had thought, that if ever there was a question which ought not to call forth party feelings, it was this; and he was therefore the more surprised at the warmth it excited in the hon. and right hon. gentlemen opposite (Mr. Whitbread and Mr. Tierney). He was now called on in candour to agree to an amendment, for the sake of unanimity. Why, if he allowed himself to be persuaded to this, another gentleman might start up, as the hon. gent. had done, and accuse him of incapacity, vacillation, want of foresight, and firmness of mind. He did sincerely lament that the subject had been taken up with so much party spirit, as he at least expected neutrality in the consideration of putting the House of Commons into the right way of acting. Instead of that, however, the hon. and right hon. gentlemen had seized, with avidity, the opportunity of reviling those against whom they were opposed in politics. It was an opportunity too tempting for them to let slip.—His Majesty's ministers were charged with improper delay, in not making some proposition on this subject at an earlier period. Such a charge, however, he presumed to think, was equally imputable to the right hon. gent. (Mr. Ponsonby) as to him. Gentlemen on the other side of the House looked up to him; it was, therefore, but natural that he should have been ready to advise the House in a question in which they were all interested, as well as any gentlemen on the ministerial side. He had given no advice on the subject, however; nay he had declared that he would not do so—that he was resolved that nothing that fell from him should throw any light on the question. Was it not equally incumbent on that right hon. gent. as on any other member of the House, to give his advice on the subject? Yet he chose to wait all the period which had elapsed, and then to tell ministers that they should have taken some step in the business on the very first day. When the Speaker acquainted them that the Notice was served, the view he (the Chancellor of the Exchequer) took at that time was, that it was only necessary to preserve it on their Journals. The gentlemen opposite were not backward on other occasions in giving advice, and suggesting amendments. Why did they not do so then, if they considered the course pursued as reprehensible, as they would now represent it to be? Perhaps they were taken by surprise—but they had time to recover themselves, for, owing to an inaccuracy, a second Notice was necessary some days after the first, with which the same course had, without a word of censure, or the intimation of a contrary opinion from any one, been adopted. No! The enlightened minds, comprehensive understandings, and extraordinary talents, of the gentlemen opposite, were not employed to enlighten their darkness, and guide them from the ill counsels to which they were attending. Even now, though they would condemn, they would not enlighten the House.—Nay, the right hon. gent. (Mr. Ponsonby) withheld advice, and declared his opinion should not be extracted from him. The hon. gent. (Mr. Whitbread) accused him of not having foreseen the resistance which was opposed to the House. It was not however from any experience of past events, to be supposed that this would be the case; but even on the hon. gentleman's own grounds, it might have ensued in a case of actual obstruction, and the question then came to this: whether an individual would quietly submit to, or, as a strenuous patriot, would resist the law. Did the hon. gent. mean to say, that they were only to exert their privileges against those who would not resist. If this was his way of preserving the dignity of the House, he could only say there was a very great difference between their opinions. He was also accused of ignorance; and if he was inclined to retort, he would say, that in describing him, the gentlemen opposite had only given their own character. It would seem as if they were ignorant of all precedents and information on the subject. Did they not know that a Committee was appointed in 1771, on the matter of a breach of privilege, and that they were instructed to examine into facts and circumstances; to consider what further proceeeding might be necessary to enforce these privileges and to give their opinions thereon? Here was a precedent in point; and he trusted, notwithstanding the asperity which had unfortunately been introduced into this night's discussion, that when the committee came to be appointed, the unanimity which was so much desired would prevail.

Mr. *Ponsonby* rose, with considerable animation, and said that the right hon. gent. seemed to him to have lost his temper. The cause of that loss of temper was obviously, that he could not find any hon. member to instruct him what course to pursue. The right hon. gent. was ignorant what course to adopt, and was mortified that his ignorance should be so manifest to the House. What right had that right hon. gent. to console himself for this mortification by attacks on the gentlemen on his side of the House? What right had that hon. gent. to expect that he should give him any advice on this occasion? He had given that right hon. gent. and the House already all the advice he could suggest relative to the proceedings which led to the present circumstances, and it had been rejected. When the rejection of that advice had involved them in a difficulty they knew not how to obviate, it was not for them to apply to him and his friends to extricate him from it. By blindly persevering in their own course, they had brought about the present embarrassment. It was inculcated from the highest authority, "that when the blind lead the blind, both must fall into the ditch." If the right hon. gentlemen opposite, therefore, found themselves involved in a difficulty, themselves alone they had to blame. Upon whom but themselves could they charge the commitment of sir F. Burdett, and the manufacture of that paper, which charged them with having usurped the power to imprison the King's subjects? In that wild and foolish production, as with all respect for sir F. Burdett he must call it, the power of the House to commit was denied, and it might from that be inferred that the exercise of that power would have been resisted. The right hon. gent. had imputed to his hon. friend (Mr. Whitbread) the having said, that the right ought not to be enforced but where there was no resistance, and had then asked with the same triumph, whether that was to be considered a proof of their magnanimity, of their consistency, of their desire to maintain the dignity of the House? Now, he could readily believe, that there was not less magnanimity on his side of the House than amongst the hon. gentlemen on the opposite side; and he trusted that that would appear from the whole of their conduct relative to this business. But the right hon. gent. when pressing a right which he had reason to know would be resisted, ought to have been prepared to show how in such a case it could be executed. If the gentlemen on his side had recommended the commitment, and become thereby the cause of the subsequent difficulties, would not the right hon. gent. have loudly called on him to point out how they should be remedied? Would he not have attributed all to the workings of party spleen and captious hostility? The right hon. gent. had made a furious attack upon him, because he was not disposed to give any opinion upon the subject till the House should be brought into a situation when some declaration would be necessary. It was also added, that in consequence of the confidence reposed in him (to a greater extent than he merited) by his friends round him, he was particularly bound to give an opinion upon the subject. He might perhaps be misled by vanity to give such an opinion, if his judgment did not prevent him from giving it prematurely. What ground had he to expect, that if he were to give it, the majority of the House would agree to it? Could he have any security that he should not be outvoted? Or that, upon his advice being so rejected, he should not be twitted by the right hon. gent. with having given it prematurely? An opinion he most certainly had upon the subject; but the right hon. gent. was wrong if he supposed he could be taunted into a premature declaration of it. His Majesty's ministers, if they did their duty, should be prepared to propose some measure to the House on the subject. Whilst supported by the majority, they must be taken to possess the confidence of that House; and if they had not that confidence, they should not continue in office. Besides, they were in possession of all the facts, which the House could not be; and consequently it was more particularly incumbent upon them to offer advice to the House on that occasion. If they abstained from offering such advice, the House might rest assured, that it was not from any feeling of modesty or moderation, but from a pitiful pusillanimity which restrained them from taking any responsibility upon themselves for the advice they might give. He should vote for the amendment.

Mr. *Whitbread* had an observation or two to make upon the answer given by the right hon. gent. to what had fallen from him in the course of the debate. When he had asked a question of that right hon. gent. in the course of the night, respecting a letter now before the world, and that right hon. gent. declined to answer, he took it for granted that the document was authentic. When he put a question to the right hon. gent. near him (Mr. Secretary Ryder), and that member declined to answer it, he believed it was because the right hon. member could not answer the question. But when the right hon. gent. last addressed himself to answer what had fallen from him, in the debate, he invented a speech for him, and in replying to that, gave any thing but an answer to what he had actually said. He could not help admiring the manner in which the right hon. gent. had then lashed himself into a fever of debility in buffeting the shadows of his own imagination. All he should say, however, was, that the sentiments imputed to him by the right hon. gent. did not belong to him, and the particular expression he quoted he had never uttered.

Mr. *C. W. Wynn* observed, that the precedent referred to by the right hon. gent. had taken place in the time of an extremely weak and contemptible administration, which encountered a resistance that had never been expected by them. A Committee had, no doubt, been appointed in that case, and sat for 17 days without having made one step of progress. When they had made a report, it came out that all they recommended was, that Miller should be retaken. But how he was to be retaken they had not pointed out. This was the Committee which Mr. Burke had compared to the committee of rats, appointed to enquire by what means they could guard against the cats, which committee reported, to put a bell about their necks; The committee of rats however did not go so far as to point out how the rats were to fasten those bells. The House was placed in a situation of great difficulty, and he therefore, wished gentlemen to consider whether it would be desirable to establish this proceeding as a precedent, to guide their future practice. He was of opinion that it was much better to have all the facts before them previous to a decision. It was material to consider whether the House ought not to issue a prohibition against the interference of a court of law. They were all aware that in the case of Rice, lord Kenyon had declared, that in a common cause, the court of King's bench would not pay any attention to an injunction from the House of Commons. The present was, however, by no means a common cause, and did not fall within the principle laid down by lord Kenyon. There were also many other questions of the utmost magnitude involved in the question; too great, in his opinion, to be delegated by the House to a Committee.

The House then divided on the Amendment, which was negatived. For the Amendment, 58—Against it, 115—Majority, 57.

A second division then took place on the main question.—For the Committee, 116—Against it, 46—Majority, 70.

On our re-admission we found the Speaker reading over the names proposed for the Committee.

Mr. *Tierney* objected to the nomination of those who had opposed the motion, on the ground that the Committee ought to deliver no opinion. It was rather strange to appoint men to give an opinion, who had voted against any opinion being given at all.

The *Chancellor of the Exchequer* did not expect, in a question of such moment, that any gentleman would be above lending his assistance.

Mr. *Tierney* said, that those in that situation who were present, declined the nomination. If the right hon. gent. wanted to grace his Committee from their side of the House, he was mistaken.

The *Chancellor of the Exchequer* in reply said, that he certainly did not wish to disgrace the Committee from any side of the House.

Mr. *Jekyll* said, this was a question which he did hope would never have come before the House; but the Speaker had of necessity come before them for advice and assistance. God only knew how the matter might end. He frankly declared he could not conjecture how the business was to be got rid of, or, which he wished had been sooner attended to, how the House was to retrace its steps. The dilemma in which they were involved was one of a most serious and dangerous kind. [Marks of dissent.] He repeated it was a very serious dilemma. [A laugh.] He again repeated, that in his mind, it was a dilemma of the most serious nature, and though gentlemen laughed at it now, they might in a very short time, see cause to regret they had ever got into it. A Committee had now been resolved on after two votes of the House. Gentlemen who were of opinion that there should be no Committee, or at least that the Committee should not report any opinion, had been nominated members of this Committee. Those who were of this opinion, and who were present, had declined sitting upon it. Others who were absent, he was convinced, entertained similar opinions. He really put it to the right hon. gent. if, in point of candour, the names of such persons ought not to be omitted.

The Resolution, however, was agreed to, five were declared to be a quorum, and the Committee had power to report from time to time.

[MOTION RESPECTING THE ADDRESS OF THE CITY OF LONDON.] Mr. Alderman *Combe*, in rising to make the motion of which he had given notice, in support of the constitutional rights of his fellow citizens, felt satisfaction that it would not be necessary for him to trouble the House at any great length. As the House of Commons was now so anxiously engaged in asserting its own rights, he trusted it would not be too much to expect that House to afford protection to the rights of the citizens of London. It was not his intention to dwell upon the right of the subject to present petitions to his Majesty, nor to descant upon the value of that right which was the foundation of our civil independence, and the principal bulwark of British liberty. These were considerations that must be familiar to every gentleman who heard him. The right of petitioning the sovereign was exercised in three ways, one was, by transmitting the petition to the secretary of state, in which case there was not the smallest chance that it would ever meet the eye of his Majesty. The next was, when persons having access to his Majesty at his levees, put their petitions into his own hands: but the third and most valuable mode was, that of presenting a petition to his Majesty upon the throne, in which case an answer was always received. This mode of petitioning was confined to the Universities and the City of London. By the constitution of the City of London, it was divided into four branches. The first was the court of aldermen; but on diligent inquiry, he could not find any precedent of any petition of that court to his Majesty. The next was the court of common council, which enjoyed the privilege of presenting its petitions to the sovereign upon the throne. The third was a court which very seldom met, but also enjoyed the right, called the Court of Lieutenancy; and the last and greatest, was the livery, consisting of the lord mayor, aldermen, common council-men, and the whole body of electors, who assemble in what is called the common hall. This body claimed the same privilege, and it had been conceded to and exercised by them on a considerable number of occasions, but for the last few years it had been denied them. As much difference of opinion had existed for a long time respecting the claim made by the livery of London to present their petitions to the King on the throne, he should briefly put the House in possession of the real state of that question: and for that purpose refer to the different addresses and petitions which had been agreed to by the livery of London, in common hall, during the present reign. In the year 1769, an address was voted to his Majesty, but as no particular instruction accompanied it on that occasion, that address was presented to the King at his levee. In the year 1770, an address was voted, and the sheriffs were instructed to enquire when his Majesty would be pleased to receive it upon his throne. The sheriffs made the inquiry, but not having received any answer, another common hall came to a resolution that their address should not be presented to the King but upon his throne. When his Majesty was acquainted with this new case, he stated that he would consider of it; he did consider of it, and the result was, that he received the address upon his throne. The right was then understood to be finally settled. In 1771, another address was voted, and a resolution entered into, that the mayor and sheriffs should be accompanied by a great body of the citizens of London. This intention was frustrated by an intimation from lord Hertford, communicated by letter to the lord mayor, that it was his Majesty's pleasure that no more should attend than the act of parliament allowed. The consequence was that in order to conform to the act of parliament, a Committee of ten was deputed to attend the lord mayor and sheriffs; and this address was also received by his Majesty upon the throne. In 1773, another address was received on the throne, without any question respecting the privilege, and an answer was returned to it. In 1775 two addresses had been voted; one in April, which had been received by his Majesty on his throne; another in June, which never was presented. In this latter case the chamberlain was informed by letter from lord Hertford, that it was his Majesty's pleasure not to receive any address upon his throne from the city of London but in its corporate character. This communication was then submitted to a common hall, at which certain resolutions were voted, declaratory of the right of the city of London to present their petitions, or addresses, to the king on the throne, and to have an answer to them. Another resolution was also passed, containing an express injunction to the sheriffs not to present the address but to the King on his throne. The sheriffs having waited upon his Majesty on a levee day, were informed that the Address would be received at a levee; but on stating their instructions, his Majesty informed them that he would be at all times ready to receive the petitions of his people, and that he was the best judge where. No Address was, therefore, presented on that occasion. The same fate attended an address voted in 1784, and the next subsequent address in 1797. In the year 1800 another address was voted to be presented to the King on the throne, and in consequence of an instruction to that effect, the sheriffs waited on his Majesty at Weymouth, to know when he would be graciously pleased to receive it on his throne. The sheriffs obtained his Majesty's permission for the chamberlain to read to him their instructions; but received the same answer as in 1775—that his Majesty, ever ready to receive the addresses of his subjects, was the best judge where. His Majesty, upon all those occasions, intimated his wish to receive those addresses at the levee and not upon his throne. Upon the representation of these circumstances by the sheriffs to the common hall, certain resolutions were agreed to, which were communicated to the King at Windsor by the sheriffs. These were all the cases that had occurred during the present reign until the latter end of last year, when the citizens of London had to complain of the calamities of the times, and the livery of London was assembled to address his Majesty on the grievances with which the nation was oppressed. This was done at a time when the public and the citizens of London in particular, were borne down by the burthen of taxes, but more especially one grinding tax, rendered doubly oppressive by the measures resorted to for rendering it productive. It was the more necessary for them to carry up their complaints of grievances to the throne, because they saw the measures recommended in that House for their redress unavailing. Disgusted, therefore, with the losses that had been sustained; provoked by the expences incurred, whilst no means were taken to bring public defaulters to justice; mortified at the rebuke which his Majesty had been advised unseasonably to give to the City of London, on the occasion of the Convention of Cintra, having no confidence in their rulers; and highly disgusted at the failures in Spain and at Walcheren, and with all the afflicting circumstances of national calamity and disgrace, the livery of London required the lord mayor to call a common hall. That hall was called, and a more numerous and respectable meeting never assembled in London. An Address was voted to his Majesty, and the lord mayor and sheriffs directed to present it to his Majesty, at a levee, waving their right to have it presented on the throne, in consequence of the state of his Majesty's health. On the 14th of December, they applied to the secretary of state, and were informed by him that they would not be allowed to present it at a levee; and the 20th of the same month, when waiting on his Majesty with another Address, they were refused permission to present this Address at the same time. The consequence was, that the livery had come to resolutions similar to those voted in 1775. What he complained of was, not that the Address of the livery had not been received on the throne, because, as his fellow citizens had waved their right on that head, he was not bound there to insist upon that for them which they did not instruct him to contend for; what he had to complain of was the obstruction given to presenting the petition to his Majesty at his levee. Having stated the case, he should conclude by moving—"That the obstruction made by his Majesty's ministers to the Address of the lord mayor, aldermen, and livery of London, of 14th December last, being presented to his Majesty in person by the lord mayor and sheriffs, is an infringement upon the right of the subject to petition the sovereign upon all lawful occasions."

Sir *W. Curtis* rose to second the resolution of his hon. colleague. Whatever he might have thought of the terms in which the address had been couched, as it had been passed at the Common-Hall, it ought to have been presented. He should ever stand up for the rights of the city. The obstruction to the Address was, in his mind, unjust, impolitic, and unwise, and therefore he felt pleasure in seconding the motion.

Sir *C. Price* likewise said, that the petition had been agreed to at a Common-Hall legally convened. What would have been its fate if a fair hearing had been allowed to all, he would not pretend to say; but it had been carried through, and therefore ought to have gone to the throne with the usual facility. While he agreed with his hon. colleague so far, he could not concur in the censure which he had passed on the conduct of ministers. He thought they deserved a great deal of praise for the manner in which they had conducted their expedition. They also deserved a great deal of praise for the manner in which they had preserved the peace of the metropolis on a late occasion. He remembered the riots in 1780, and hoped he should never again see any such exhibition. He hoped the ministers would act with the same energy on other occasions. He felt himself bound to support the present motion.

Sir *James Shaw* had but a few words to trouble the House with. After the very able manner in which his hon. colleague had opened the question, it would be a proof of bad taste in him to attempt to go over the same ground. He agreed with his hon. colleague in all he had said as to the general right of the subject to petition. The Common Hall was legally convened; it was presided over by the lord mayor, the assembly was most numerous and respectable, and he contended that the livery had a right to present their petitions to the king on the throne. On this account he conceived it to have been the duty of his Majesty's ministers to have advised his Majesty to receive it on the throne, and upon these grounds he should vote for the Resolution.

Mr. Secretary *Ryder* considered the worthy aldermen as led astray by their sympathy for the rights of the city. If he understood the motion, it was intended as a direct charge against his Majesty's ministers, for having infringed the right of the subject to petition. But if that was the object of the hon. alderman, his motion did not go far enough; because, if his Majesty's ministers had actually violated the rights of the subject to petition, they ought to meet not an implied censure, but a direct animadversion. He was convinced, however, that in a very few words he could satisfy the House, that there was no ground for the motion. The question was, whether the livery of London had rights in this respect which did not belong to other classes of the community; for it was not pretended that ministers had refused to them what they granted to others. He acknowledged that ministers did advise his Majesty not to grant the livery more than was allowed to his other subjects. The hon. alderman had correctly stated, that there were three modes of presenting petitions, 1st, To the king upon the throne, when alone an answer was returned; 2d, At the levee, when the petition was given to his Majesty, who immediately handed it to the lord in waiting; the public levees however having been for some years discontinued, owing to the defect of his Majesty's sight, the 3d mode was that of transmitting petitions through the office of the secretary of state. This the citizens of London had an opportunity of doing in common with the rest of his Majesty's subjects. As to the right of presenting a petition to the king upon the throne, this was confined to the universities and the corporation of London. As to what had been said of the case of 1775, he would appeal to that to show that even the persons who then claimed the right could not have thought they possessed it. The times were then somewhat similar to the present; there was much popular ferment abroad. Mr. Wilkes was then in the height of his popularity, and not, what he afterwards described himself, a volcano extinct, but a volcano in the full blaze of explosion and eruption. What had been the conduct of Wilkes on that occasion? Lord Hertford's letter was dated the 11th of April; and one would suppose, that if Mr. Wilkes was convinced of the right, he would have applied to Parliament, as the hon. alderman now did, or have called a Common Hall to vote resolutions respecting it. But no—he did not answer lord Hertford's letter till the 2d of May. He did not take any notice of the subject in Parliament, though the prorogation did not take place till the 26th of May; and it was not till the 24th of June that the Common-Hall was called, and passed resolutions nearly similar to those voted in the first week of January in the present year. And was this precedent to be relied on, when not one of the *boute feu's* of the day, until after the lapse of so long a period, ever thought of any step to be taken on the subject? A resolution had even been moved in Parliament by Mr. Sawbridge, which omitted all allusions to the case of the petition. His Majesty's ministers, in the advice they gave his Majesty, had no idea of disrespect to the city of London; all they desired was, to place the livery in the same situation with other classes of his Majesty's subjects. In this they had done no more than that House usually did. Parliament would not suffer any class to petition against a tax bill, with the exception of the corporation of London. Because the corporation of London had the privilege of presenting its petitions by its sheriffs, at the bar, the House received them as not knowing their contents; but the petitions from all other descriptions of subjects were required to be opened by some member in his place. (The right hon. gent. here read a passage from Mr. Hatsell's book, shewing that on one occasion the petition of the corporation had been received on a particular occasion, when sir Watkin Lewes was required to state the matter of the petition from the livery on the same subject.) As to the observation of the hon. alderman, that petitions given in to the secretary of state never were seen by his Majesty, he could only assure the House, that since he had been in office, he had received no petition which had not reached his Majesty. The right hon. gent. then adverted to the contents of his own letter to the lord mayor, to shew that he had no wish to treat the city with contempt, and concluded by saying that he should oppose the motion.

Lord *Folkestone* said, that the honourable alderman had not contended for the right of petioning his Majesty on the throne, to which the whole of the secretary's observations applied, but complained that the livery had been denied that access to his Majesty's person, which the law held to be the inherent right of English subjects. This, he contended, was a general subject of complaint, and he adverted to a meeting of the county of Berks, where this obstruction was seriously complained of. Any subject had even at the commencement of the present reign the right to give a petition into his Majesty's hand. In consequence of the unfortunate case of Margaret Nicholson, a regulation was adopted, that petitions should only be presented at the levee. Now this was done away, and nothing remained but transmission through the office of the secretary of state. This was rather unsatisfactory, considering that the grievance most seriously complained of would often be the retaining of the person in office who was to transmit the petition. The right hon. secretary said, he believed that the petitions sent to his office had been transmitted. This belief of his was a comfortable assurance to those whose rights to petition his Majesty in person were considered as inherent. This mode afforded them an admirable security for the transmission of their grievances to the royal ear! There were, however, stories afloat about petitions having been found in the pigeon-holes of the secretary of state's office, unopened and unpresented. Another suspicious circumstance was, that all petitions to the King were not published in the Gazette, though the complimentary addresses in praise of ministers, &c. were sure to be there, with a comment, that they had been most graciously received. But who saw there any petitions, complaining of fruitless and ridiculous expeditions, &c.? He had seen a letter from the right hon. secretary himself, denying that he was under any obligation to read such petitions to his Majesty; and thus were the people debarred from that access to the Sovereign which the law called their inherent right. The hon. secretary had compared the present times with those of 1775. He (lord F.) had no doubt that posterity would regard the claims of the present day against the exercise of undue power by the House, in the same light as the claims of those days were regarded by the people of the present day. The resistance then made to the undue exercise of power has been sanctioned by the approbation of the present day, and so would the present resistance be sanctioned by the approbation of posterity.

Mr. *R. Dundas* said that the objection to the mode of transmitting petitions through the office of the secretary of state seemed to be that the secretary was under no obligation to read them to the King. But supposing they were presented at the levee, what greater security could there be that they would be read? They were in both cases given to his Majesty with other public papers to be perused at the time most convenient for him. The letter to which the noble lord alluded was addressed to Major Cartwright, who had requested an audience of his Majesty to state his opinions on public affairs—and this being refused, he required some security of the secretary of state that he would read his address to the King. This was impossible—the secretary could only send them with other papers. It never had been the custom to publish all addresses and petitions in the Gazette. Nothing was established against ministers, except it could be shewn that they had deviated from the usual practice. He could not believe that the people of this country were discontented with the present mode of presenting petitions through the medium of the secretary of state, when they considered the causes to which this was owing.

Mr. *Horner* did not know whether it was that the ministers did not understand the question, or purposely avoided it, from being unable to answer. The speech of the first speaker from the treasury referred solely to the claim of petitioning on the throne, which his hon. friend had expressly waved. The hon. secretary had wandered from the real question to talk of his volcanos, and had even resorted to a foreign language for invective. This question was of the most vital importance in itself, and still more important from the manner in which it had been received. He then dwelt upon the highly indecorous, indelicate, and improper manner in which the ministers endeavoured to defend themselves by drawing the veil from the infirmities of their Sovereign. It was impossible for the House to believe that his Majesty was not in a state perfectly competent to the discharge of that most important of duties, the giving a proper attention to the complaints of his subjects. If it were otherwise, it would be the duty of the House to order an investigation. But they knew that this was not necessary, and must therefore reprobate the mode of defence to which ministers resorted. The claim of the livery was founded upon what for a century and a half had been considered as the most invaluable rights of Englishmen, which would be nugatory without access to his Majesty's person. Even in the worst times—in those of Charles the IId, &c. this access had not been refused. The most corrupt ministers had no idea that it could be refused. How complete would have been their triumph if they had discovered the practice which had of late prevailed! It was the right of the livery of London, as it was of all other British subjects, to have access to the royal person, and it was the refusal which was complained of. Petitions ought certainly always to be respectful and decorous—whether to the crown or parliament. (Hear! hear!) He understood that cheer, and in answer to it said, that he thought some late petitions were exactly the reverse of what the idea of a petition implied. There was in the tenor and even in the expression something that warranted the belief that other objects were in the contemplation of the framers than a mere complaint of grievances. But, on the other hand, the obstruction of petitions, properly so called, was a subversion of the fundamental law of the land.

Upon a division the numbers were—For the motion, 52—Against it 138—Majority, 86.

[KING'S MESSAGE RELATING TO THE DUKE OF BRUNSWICK.] On our re-admission into the gallery we found Mr. Whitbread speaking against the reception of the Report of the Committee upon the King's Message relative to the grant of a provision to the Duke of Brunswick.

Mr. *Tierney* had no objection to the making of an ample provision in this case; but thought that any grant deemed necessary should rather be charged upon the droits of the admiralty; but before this grant was acceded to, he wished to know what were the circumstances of the duke of Brunswick. It was understood that a new military establishment had been created, from which that prince derived an emolument of from 3 to 5,000*l.* a year. Now if that were the case, he must think, with every disposition to be liberal to this prince, that from justice to the country the proposed grant was excessive.

The *Chancellor of the Exchequer* said that the emolument derived by the duke from the military establishment alluded to, did not exceed 15 or 1600*l.* a year; and to the droits of the admiralty, that he could not, from its nature, consider it as a resource upon which to fix a permanent charge.

Mr. *Tierney* wished to know what was the amount of the sum on hand as droits of admiralty? This information he required in order to ascertain whether it would be sufficient, by a transfer into the consolidated fund, to purchase the proposed annuity of the Duke of Brunswick.

Mr. *Ponsonby*, considering that the duchess of Brunswick had an allowance of 10,000*l.* a year, felt himself obliged, however reluctantly, to observe, that 5,000*l.* a year would be quite a sufficient grant to the son.

The Report of the Committee was then agreed to, and leave given to bring in the bill.

HOUSE OF LORDS.

Tuesday, May 8.

[CRUELTY TO ANIMALS' BILL.] Upon the motion of lord Erskine, the House went into a Committee on this bill.

Lord *Ellenborough* objected to the words "or otherwise abuse," as too large and general in their comprehension, and which might, in his opinion, produce a number of evil effects. He would recommend the omission of these words entirely, and from reconsideration he was also inclined to object to the other words, "cut, wound;" for when the law came to be applied, he was not sure but the term cut might be extended to the cutting of a whip, which would be a consequence not desired by his noble and learned friend.

The same kind of objection would apply to the term "wound;" but as to the word "maim," there could be no doubt of its legal definition. He would, therefore, first propose this amendment, "That the words, 'cut, wound,' be left out, for the purpose of inserting, 'kill, stab;'" which would be less dangerous in their application.

Lord *Erskine* conceived that the words which preceded those objected to by his noble and learned friend, would have prevented their misinterpretation; because it must have been evident to a jury, that the cutting, wounding, or otherwise abusing had been committed maliciously, and with wanton cruelty. He had thought it expedient to address their lordships again on the bill, and its principle; but he had received more letters than would fill three such trunks as that on their lordship's table, from all parts of the country; detailing the most horrid acts of cruelty. He had received one, only yesterday, from a respectable gentleman in the country, wherein was detailed the cruel act of a man, who had destroyed two mares, by thrusting the handle of his whip into their bodies. He had shewn this letter to his noble and learned friend, and it appeared, that although the offence were tried at the assizes, it was not punishable under the statute, because no malice could be proved against the owner. When he first brought this subject under their consideration, he had suggested that the laws which existed only regarded the treatment of animals, so far as it was connected with the ownership and dominion of man. But the attending to the feeling of the animal itself, and preventing cruelty from a consideration of its suffering, was certainly new, and deserved to be considered as an æra in legislation. Still his noble and learned friend had thought it expedient to propose the alteration he mentioned, and he was sure that such was his knowledge of that noble and learned lord, that he had done so from mature consideration, and a sense of duty, that he was willing to agree with him, rather than dissent from authority be so much respected.

Lord *Ellenborough* could not help differing in some degree with his noble and learned friend. He had strong objections to making a new æra in legislation upon this point.—He was of opinion that the moral sense of mankind was sufficient, as it hitherto had been, for the protection of animals; and it was to be observed that in no country under the sun was there any system of legislation for the protection of animals, except so far as related to the interests of man. He was not therefore prepared to approve altogether of the principle of the bill; but at any rate it was incumbent upon the House to render its enactments so definite and certain, that it might not be rendered an instrument of vexation and oppression. It was with this view he had moved his amendment; and he must also object to the bill being extended, as it was at present, to sheep and swine. Those were animals very apt to trespass; and the provisions of the bill, if applied with respect to them, might lead to great oppressions. A pig might get into a cottage, and be eating the cottager's potatoes; the cottager might strike the pig with a shovel, and for thus wounding the pig might under the bill be imprisoned for a month. There were other cases of oppression which might arise out of such a bill, and it was therefore necessary that it should be very cautiously and definitely worded. With respect to acts of cruelty committed publicly upon animals, these were *contra bonos mores*, and the parties committing them were liable to indictment.

The *Lord Chancellor*, in not opposing the progress of the bill in its present stage, wished it to be understood, that he might not thereby be considered as precluded from saying content, or not content, to the passing of the bill, according to the shape in which it came out of the Committee. In looking at this bill for the protection of animals, he could not help asking, why as the ox was mentioned the bull was not also included?

The Earl of *Lauderdale* was decidedly hostile to the bill, conceiving that the moral sense of mankind was amply sufficient for the protection of animals, and that nothing could be more dangerous than attempting to enforce principles of morality or humanity by legislation.

Lord *Redesdale* objected altogether to legislating upon the principle now assumed. The bill, however, was deficient in the very object which it sought, as it did not extend its protection to animals, which it might have been supposed would have naturally come under its provisions. Thus, for instance, the bull was not mentioned, although it was well known that bulls were cruelly used by being baited, whilst, at the same time, bull-baits were a great terror and annoyance to the neighbourhood in which they took place. As to the other objects, embraced in the bill, they were not fit for the interference of the legislature, as they did not concern the advantage or the injury of man. He was ready to allow the purest motives to the noble and learned lord, but perhaps he had so long contemplated this subject, that his mind had become so heated, as to prevent the exercise of his cool discretion.

Lord *Erskine* said, if his mind had been too much heated, he thought the minds of other noble lords had been too long cold in the expression of their opposition to the principles of this bill. He thought there was considerable inconsistency, when he recollected the unanimous support the bill had received the last session, when there were present 110 peers. No one had intimated his objection, except the noble and learned lord who had last addressed them. In the House of Commons, though opposition was made, it was read the second time with the consent of a large majority, and would have passed, if it had not been at the end of the session, when there were scarcely members to form a House. He was surprised to hear what had fallen, and the revolution which had been effected in their lordships' minds; and he was more surprised that his noble friend (Lauderdale) should intimate his dividing the House, at the present time, when he was in the House, yesterday, and gave no opposition to the second reading. His noble friend had not been present last session; but if he had left his own hobby-horse at that time, and attended to his duty in that House, it would have been better for his health, and of greater service to the country. They had been sufficiently told of Spain, and his noble friend had introduced the Spanish mode of perforating the spine; but in the arguments used, he was sure his noble friend could not be serious. No such acts of butchers could fall under the construction of this bill. If their lordships should now alter their mind, it was not his fault that he had brought the subject under their consideration; for they had extended to him every encouragement to believe they concurred with him in the propriety of the measure. For himself he had not altered his mind in the smallest degree on the principle and necessity of the bill, and he trusted their lordships would not take this opportunity of dividing the House, when it was not summoned, and they had not thought proper to oppose the second reading.

Lord *Holland* was sure, that his noble and learned friend need not have justified his conduct; for whatever might be the difference of sentiment on the bill, there must be attributed to that noble and learned lord every good and honourable motive. It was with diffidence and great pain to his feelings, that he differed in opinion from him on the present question; not only from his personal respect for him, but from the esteem he entertained for his talents and good qualities, and for his past services in maintaining the law of this country; for which, in his humble judgment, without invidious distinction, the country were more indebted to him, than any lawyer, for a number of years. Every one must acknowledge, that if all acts of cruelty could be prevented, it would be a most desirable object on the part of humanity. But it was, in his mind, questionable, how far the interference of legislation would accomplish the desired ends of the best motives. Many attempts had been made, at different times, to enforce the laws of God and morality, but they were generally productive of effects opposite to the wishes of humanity. It was on the same ground that intolerance was the usual result of religious laws. He should be the last man to permit cruel acts; he viewed them with detestation; but he doubted of the benefit of legislative interference. He should rather recommend the reverend prelates to impress the people with a sense of their moral duty, and an aversion to all acts of cruelty. His noble and learned friend was entitled to thanks for his exertions in this cause, and the speech which he delivered, last session, but which he had not the pleasure of hearing, though he had the satisfaction of reading it, had done honour to his abilities and feelings, and must have been productive of beneficial effects upon the minds of the people.

The *Lord Chancellor* said a few words in explanation of his conduct; and concluded by recommending his noble and learned friend to move for the re-commitment of the bill on a certain day, and that the lords be summoned for that purpose. He would move, "That lord Walsingham do leave the chair."—Agreed to.

Lord *Erskine* then moved, "That the bill be recommitted this day se'nnight, and that the lords be summoned."—Ordered.

HOUSE OF COMMONS.

Tuesday, May 8.

[PETITION FROM THE LIVERY OF LONDON, RESPECTING THE COMMITTAL OF SIR F. BURDETT, &c.] Sir *William Curtis* rose and stated, that he held in his hand a Petition from the Lord Mayor, Aldermen, and Livery of the City of London, in Common-hall assembled, which he was desired to present to the House. The petitioners, among other things, he observed, expressed their sorrow and regret at certain proceedings of this House, and stated grievances for which they desired a remedy; that it had been declared in this House, that the doors of Parliament should be open wide to petitions, and therefore they came for relief. The hon. baronet said, it was but fair he should mention to the House, that the petition was not exactly the petition of the whole body of the Livery; because, though the hall was rather full, yet there were many thousands not present. At the same time, he must declare, that the meeting was constitutionally convened by the Lord Mayor, and the sentiments of the Petition were those of the Livery so assembled. The petitioners, observed the hon. baronet, after stating certain grievances of which they complain, beg this House to re-consider the measures lately adopted with reference to the committal of Mr. Jones and sir F. Burdett, to retrace its steps and to expunge from the Journals the resolutions come to on that occasion. Now, these sentiments, though coming from the Livery, it is my duty to convey to the House, as one of the representatives of the city of London, yet I must declare that they are very far from being my own.

The Petition was then brought up and read by the Clerk at the table, as follows:

"To the honourable the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled.—The humble Address, Remonstrance, and Petition of the Lord Mayor, Aldermen, and Livery of the City of London, in Common Hall assembled, this 4th day of May, 1810.

"We, the Lord Mayor, Aldermen, and Livery of the city of London, in common hall assembled, beg leave, with feelings of the most anxious concern, to present this our humble Address, Petition, and Remonstrance; and we earnestly entreat your honourable House to give to it a favourable reception; for how can we hope for redress and relief, if the bare statement of the wrongs and grievances of which we complain be rejected; We also beg your honourable House to believe, that in the language we may have occasion, and are indeed compelled to employ, no offence is intended to your honourable House.

"The circumstance which most deeply afflicts us, and which most strongly impels us at this time to approach your honourable House is, what appears to us to have been on your part, a violation of the personal security of the people of the land. We humbly conceive, that, without law, and against law, you have imprisoned two of your fellow-subjects, and that without a trial, without a hearing, you have condemned them. Law requires legal process and trial by jury of our equals. Justice demands that no person shall be prosecutor, juror, judge and executioner, in his own cause. We beg leave to express our conviction that this eternal principle of immutable justice cannot be annulled by any House of Commons, by any King, by any parliament, by any legislature upon earth. But it appears to us that your honourable House have, in the instances of Mr. John Gale Jones and sir Francis Burdett, assumed, accumulated, and exercised all these offices.

"We feel it a duty which we owe to you, to ourselves, to our posterity, to state, that, in our conception, this jurisdiction is unfounded; and we humbly, but firmly declare our opinion against the existence of this power in any hands;—a jurisdiction unknown to us, a power above the law, and which could be enforced only by military violence; a violence made manifest by the breaking open of an Englishman's castle, made by the preceding and subsequent murder of peaceable and unoffending citizens.

"Permit us humbly to observe, that the construction of your honourable House prevents our surprise at this conduct of your honourable House. We will not enter into the details, so often and so ably stated to your honourable House, by which it appears, that upwards of 300 members of your honourable House, in England and Wales only, are not elected by the people, in any honest sense of the word people; but are sent to your honourable House by the absolute nomination or powerful influence of about 150 peers and others, as averred in a Petition to your honourable

House in the year 1791, and which remains on your Journals uncontroverted. This is the great constitutional disease of our country. This is the true root of all evils, corruptions, and oppressions, under which we labour. If it be not eradicated, the nation must perish.

"In support of this our sincere conviction, we need only refer to the never-to-be-forgotten vote of your honourable House, refusing to examine evidence on a charge against lord Castlereagh and Mr. Perceval, then two of the King's ministers, for trafficking in seats in your honourable House.

"We remember well, that when it was gravely averred, and proof offered, in a Petition which stood on your Journals, and the complaints thereof unredressed for more than twenty years, "That seats for legislation in the House of Commons were as notoriously rented and bought as the standings for cattle at a fair," the then honourable House treated the assertion with affected indignation, and the minister threatened to punish the Petitioner, for presenting a scandalous and libellous Petition. But we have lived to see a House of Commons avow the traffic, and screen those accused of this breach of law and right, because it has been equally committed by all parties, and was a practice "as notorious as the sun at noon day." At this vote, and at these practices, we feel as "our ancestors would have felt," and cannot repress the expression of "our indignation and disgust."

"Under these circumstances, may we not be permitted to ask, where is your justice, where your dignity? Mr. John Gale Jones is confined within the walls of Newgate, for an alleged offence against yourselves, which, if committed against any other subjects of these realms, or even against the King himself, must have been adjudged by the established rules and laws of the land! Lord Castlereagh continued to be a principal minister of the crown, and is now a free member of your honourable House! Sir Francis Burdett, dragged by a military force from the bosom of his family, is committed to the Tower for exercising the right of constitutional discussion, common, and, indeed, undeniable to you, to us, to all! Mr. Spencer Perceval continues a member of your honourable House, taking a lead in your deliberations, the first minister of the Crown, and the chief adviser of the Royal Councils!

"Under the agonizing feelings excited by the late imprisonment of our fellow subjects, can it be necessary for us to recapitulate the many instances, as thus appears to us, of refusals to institute just and necessary inquiry; to pursue to condign punishment public delinquents and peculators; to economize the means and resources of the state; to administer to the people relief and redress for the various disgraces which the national honour has sustained, for the lavish profusion of British blood and treasure, extravagantly wasted in ill-contrived and fruitless campaigns, and more particularly in the humiliating and ignominious expedition to the coast of Holland, in which the greatest armament that ever left our shores, was exposed to the scorn, contempt and ridicule of the enemy; and the flower of the British army left ingloriously to perish in the pestilential marshes of Walcheren, without succour! without necessity! without object! without hope!

"These and similar proceedings of your honourable House require no comment; but we cannot, by our silence, become accomplices in the ruin of our country; and dare not conceal from you the wholesome, though unpleasant, truth, that they appear to us to have materially shaken what remained of the confidence of the subjects of these realms in the wisdom of your honourable House.

"We therefore humbly, but firmly, entreat you to reconsider your conduct, to retrace your steps, and to expunge from Journals all your orders, declarations, and resolutions, respecting Mr. Gale Jones and sir Francis Burdett; and that as sir Francis Burdett has not been expelled from your honourable House, he be no longer prevented from exercising therein all the duties of a member of the same.

"Above all, we earnestly pray your honourable House, in conjunction with sir Francis Burdett, and in conformity to the notice he has given, to devise and adopt such measures as will effect an immediate and radical reform in the Commons' House of Parliament, and insure to the people a full, fair, and substantial representation, without which, they must inevitably cease to exist, a great, a free, a glorious and independent nation."

Sir *W. Curtis* then moved that it do lie on the table.

Mr. Secretary *Ryder* stated, that he felt less difficulty in objecting to the reception of the petition from the admission of the worthy baronet who presented it, that it was not the opinion of the great body of his constituents; but even were it the unanimous opinion of the whole of the livery of London, he would resist its reception. Why he felt that to be his duty he would explain. In the first place he observed that notwithstanding all the pains bestowed and abilities exerted in drawing up the petition, it went to carry a direct insult upon the character and dignity of that House. It went to traduce the whole conduct of that House in a manner perfectly unnecessary—uncalled for by any other object than the wish to degrade it in the estimation of the public. Why ask that House where was its justice and where was its dignity? It did not rest satisfied with that insult, severe as it was, but proceeded to comment in the most offensive manner upon the construction of that House, and that from that construction the petitioners were not surprized at their proceedings. He thought it was the more necessary to reject this petition, because the petitioners had endeavoured to take advantage of what had passed on a former night relative to another petition, and had studiously and artfully attempted to word it in such a way as should steer clear of the objections made to that of the freeholders of Middlesex, by stating every thing as opinion and not as matter of fact; but it was clearly evident that the intention was the same as that of the other, and they only cloaked their design under different form of words, which were, in his opinion, equally inadmissible and disgusting. If the House permitted such petitions as this to lie on the table, it would lose its dignity, character, and consequence in the eyes of the whole world. He should therefore, without trespassing further on the time of the House, move that it be rejected.

Mr. Alderman *Combe* said he was extremely sorry to see any opposition to this petition's lying on the table. He expressed his great surprise that the right hon. secretary should in the first part of his speech, have assigned, as one reason for objecting to it, that it was not the opinion of a majority of the whole livery of London. So far as that could be ascertained by a public meeting, it certainly was the opinion of the majority, and of a very decided majority. It was altogether impossible that the whole livery, which consisted of 12,000 persons, could get into Guildhall, for it would not hold half of them. The late meeting was legally called together by the authority of the lord mayor, and was as numerously attended as any he had ever seen; and out of 3,000 persons then present, he believed that not 50 held up their hands against the resolutions. If, therefore, the petition of such meeting, according to the arguments of the right hon. secretary, were not to be considered the legitimate and real sense of the livery of London, it would be impossible, upon similar grounds, to consider the proceedings of that House upon many occasions, as the proceedings of the House of Commons. If, as had been stated, or rather insinuated, by his hon. colleague, many of those liverymen who were present had been deterred from delivering their sentiments, from a fear of the reception they would meet with by marks of disapprobation from the majority, they certainly might have evinced they did not approve of the petition, and that it did not contain their sentiments, by holding up their hands against it. Every man had the power of doing that: and from the number who availed themselves of it being so small, it was evident that the petition contained the opinions of nearly all who were present. He was always sorry to see the smallest interruption given to any person in delivering his sentiments at a public meeting, whatever side of the question he might incline to; but it was well known, that in all large popular meetings there was no preventing great numbers from giving way to their feelings, and shewing their disapprobation of the conduct of public men, which was not agreeable to what they thought just and right. As to those of the minority, who did not think proper to express their dissent to the petition, in the meeting at the common hall, and who afterwards met in another place for the purpose of drawing up other resolutions, by way of a counter-declaration of the livery of London, such meeting was unquestionably illegal—not being covered by any authority, and could not be an expression of the public will of the livery. On the whole, he hoped the House would consider this matter with the serious attention and consideration which the petition of so highly respectable a body as the livery of London in common hall assembled, had always been allowed to merit, and that the House would pause before they suffered themselves to be persuaded to reject it.

Sir *W. Curtis,* in explanation, said the right hon. secretary had certainly misapprehended him. He did not mean to state that the petition was not the opinion of a majority of the livery who were present, but merely that it was not that of a majority of the whole body.

Sir *C. Price* said, he wished to make a few observations on the present occasion. He was clearly of opinion, and perfectly satisfied in his own mind, that the House of Commons had not, in any of its late proceedings, done any thing which it had not a perfect right to do, and as such he had given his vote in the case of all the petitions which had hitherto been presented on the subject. He had attended the late meeting of the livery of London, but he was not permitted to state his sentiments, or he would have told them freely and fairly, that he thought the House had acted as it ought to do; but clamour was the order of the day, and he could not obtain the hearing he wished for. He was sure this petition, though certainly that of a body duly and legally convened, did not contain the sentiments and opinions of a majority of the whole livery, but merely those of a junto, who endeavoured to carry every measure relative to the city of London, in their own way. The hon. bart. asserted that the majority of the livery did not entertain the doctrines which the petition contained, and he should be unfit to represent that city if he did not state so much.—He was satisfied from the declaration issued at the counter meeting, that the respectable part of the livery were of different sentiments. He must therefore maintain the sentiments of the declaration, and could not subscribe to the general opinions of the petition, nor lend a hand to support it, but vote for the motion of the right hon. gentleman.

Sir *James Shaw* said, the common hall was numerous, and many respectable liverymen were present; still he would not say that the majority of those present were of the livery. It was, however, a meeting legally and constitutionally convened. Since that hall was assembled a counter meeting of the livery had been held, and since he came that night into the House, he understood that the declaration agreed to at that counter meeting had been subscribed in the course of that day by 1,500 liverymen. Now, he could assure the House, that at the common hall, in his opinion, the number of the livery present did not exceed 1,400! The petition was, however, the decision of a legal and constitutional meeting, and being so he would most certainly agree in the motion, that it should be laid upon the table.

Mr. *Whitbread* said, if any thing could excite surprize at what passed in that House, it would unquestionably be the conduct of the right hon. secretary on that evening. Even since he had spoken, he appeared to exult in the declaration of the worthy baronet behind him (sir W. Curtis), though he had been told by the worthy baronet that he had misstated and misapprehended him, and founded his first objection to the petition on its not being the opinion of the whole body of the livery. Was there ever such an objection heard of? The House had been told by one worthy alderman (Combe) that it was a very decided majority of 3,000 of the livery who were present, and by another (Shaw) that there were 2,000 present; and yet this is a majority which would not content the right hon. gent. If this doctrine were allowed to hold, what would become of, or what would be said to, the majority of that House? Was it for the right hon. gent. to resort to such an argument, when he and his colleagues had so lately grasped at a majority of 38 for sending sir F. Burdett to the Tower? Let them look also to many other still more trifling majorities under which they had sheltered themselves, and then let the right hon. gent. blush to find fault with the majority to the present petition. The right hon. gent. was equally inconsistent and unfounded as to other objections he made to the petition. He found fault with the language used by the petitioners. What language would he have them make use of? The House had thought fit to commit Gale Jones to Newgate, and sir F. Burdett to the Tower, on grounds which the people think is an assumption of power the House had no right to exercise; and the livery of London as well as others have petitioned against this; they think the House have acted wrong, and they tell them so in very warm language, certainly; but when the feelings are roused the language will be warm, and the right hon. gent. and his colleagues may blame themselves for having forced the petitioners to say what they think. The right hon. gent. then said, that on account of the animadversion on the construction of that House, the petition ought not to be received. The construction of the House of Commons! he exclaimed: look at your

Journals, would it not there be found recorded, "that upwards of 300 members in England and Wales only are not elected by the people, but are sent to the House by the actual nomination or powerful influence of about 150 peers and others;" and in another place, is it not stated on the same Journals, "the seats in that House were as openly bought and sold as stalls for cattle in a fair." And what do do the petitioners say more? They use the language of truth and of the journals of the House; and yet their petition is to be rejected on account of that language. Without adverting to what was recorded upon the journals of that House, let us consider a very recent case, in no small degree illustrative of its construction. The new teller of the exchequer (Mr. Yorke) upon his appointment to that office vacated his seat in this House. He again applies in a county, where for his private virtues and attention to its local interests he was respected, for a repetition of its confidence. The county of Cambridge, indignant at his public conduct in this House, almost unanimously dismiss him. They speak a language not alone depending upon majorities, but actually recorded in the crown office. That right hon. gent. even subsequent to that dismissal, is appointed to an office of high responsibility, and again finds his way into this House. As the representative of what body of Electors? By what influence returned? Can the right hon. secretary, so jealous of the character of the House, contradict me when I say, that this representative of the people of England is nominated by a peer? "Is it possible," said Mr. W. "that such things should be—that they should be known to the people; and that when they speak of them they should not do it with warmth and indignation." He lamented that he was absent when the Middlesex petition was presented, as he should most certainly have voted for receiving it. It had been rejected by the House, though, in his opinion, not to strongly worded as that of Westminster which had been received; because the freeholders had stated circumstances, not as matters of opinion, but as facts actually existing. The petition of the livery (the most moderate of the three) was drawn up so as to avoid these objections, and yet that was to be rejected also. At this rate, if the right hon. gent. continued in office long enough, he would bring on an irreconcileable breach between that House and the people. He would tell them, if they did not petition in his form they should not petition at all. How did the people stand now? said he. The right hon. gent. says to them, You are not to petition as Middlesex did, nor as the Livery of London did, but you may do as Westminster did, which was the strongest of the three. Mr. Whitbread alluded to what had fallen from the right hon. gent. in last night's debate, respecting the right of the livery of London to have their petition presented to his Majesty on the throne. He contended against the arguments of the right hon. gent. which referred to Wilkes's case, which he could not express in English, but had recourse to the French, with his *boutefeus* of the day; he maintained that the livery had for a long course of years been always allowed to have that right; and that the infirmities of his Majesty had been indecorously and falsely mentioned to justify the late rejection of the claim.—(Here Mr. Ryder shewed an inclination to explain,) but Mr. Whitbread said he would not allow any thing like explanation in the middle of his speech, when he was in possession of the attention of the House; if he had been wrong, he should have been called to order.—The House should therefore—[Here the Chancellor of the Exchequer spoke to order, and said he thought it disorderly to allude to what had passed in a former debate.] Mr. Whitbread said, the right hon. gent. having spoken to order, he must desist; but he would not be interrupted by explanation. He then proceeded to state, that at the time when the petition of the city of London was offered to be presented by the sheriffs, the secretary of state wrote a letter to the city to say, that the infirmities of his Majesty made it impossible to receive the petition on the throne. This he denied to be the fact; the infirmities alluded to could be no bar to receiving them in that way, and it was highly improper to mention them. The right hon. gent. had assured the House, that since he had been in office he had received no petition that had not reached his Majesty; but that had not always been the case, for he was credibly informed, and believed it to be true, that when lord Hawkesbury was secretary of state at a particular period, when many different bodies thought it necessary to petition, those petitions were delivered to the secretary of state, and that not one of them had ever reached the King. This being the case, and the people being thus shut out, as it were, from petitioning the King, it became more peculiarly the duty of that House to open wider their doors to the admission of their petitions, and as he saw nothing in the present petition which deserved to be rejected, he should certainly vote that it do lie on the table.

Mr. *Wilberforce* said, he had not read the petition till he came into the House, and as he had so little time to consider it, and to see how far it resembled that which had been rejected or that which had been received, on the same subject, he was at a loss how to make up his mind on the subject.—He had voted for the reception of the Westminster petition, and for the rejection of the Middlesex, for reasons which, in both cases, well satisfied his mind; but from the shortness of the time, and the cursory and interrupted reading which could only be had at the table, he was not sufficiently qualified to decide, how far this petition was analogous to either of the others; and especially after the opinion expressed by the hon. gent. who had just sat down, that this petition was the most moderate of the three, and in its terms adapted to the mode in some measure prescribed by the House. He thought the House could not suffer any inconvenience by adjourning this debate till to-morrow. They would then have time to consider the petition with more attention and deliberation, and would come to the decision with their minds made up on the question; and he was sure they would thereby shew their respect for the first city of the empire. He would therefore move, that the further debate on the question be adjourned till to-morrow.

Mr. *W. Smith* said, that after the respect paid to the last petition, of adjourning the debate, he should not object to do the same in the present case; but having voted for receiving one of the former, and rejecting the other, he had no objection to delivering his opinion that moment. He did not object to the Westminster petition, because it was worded in such a manner as to convey the sentiments of the petitioners by way of opinion. He did object to the Middlesex, because the things complained of were not stated as matters of opinion, but as matters of fact that actually existed; as this petition was drawn in a manner contrary to the Middlesex, he should vote that it be received.

Mr. *Barham* had objected to the last petition which had been rejected by that House, on the grounds of its being a protest, and not a petition. In the present petition there were many phrases which were considered objectionable by some members of the House; he could not consider them by any means in that light. He could not think that the petition's now asking, "Where is your justice? Where your moderation?" was to be reprobated; because he thought the House had forfeited, by its own acts, its justice and its character. If the petition was now rejected, he could not think it would be because it was offensive to the House, but because it was offensive to his Majesty's ministers. He was sure he did not mean to derogate from the dignity of that House when he voted for the reception of the petition.

Lord *A. Hamilton* was ready to vote for the adjournment, in the hope that it might procure another vote in favour of the reception of the petition. He was sure there was no language in the petition so alarming as the idea that ministers were able to drag and dispose the House of Commons to reject such petitions on such occasions. If the petitioners had learned any disrespectful language, where had they learned it? He had no hesitation in saying they had learned it from the votes of that House. They had quoted it from their own journals. Why then should the House now stand upon the punctilio of nicety and justice, when they had by their own deeds forfeited their claim to them? In his indignation against the offensive language of the present petition, the right hon. secretary of state totally forgot the motions which had been rejected last year, and which had given rise to this language. He totally forgot whether ministers did that in fact which they now considered even the mention of offensive. It was too true, however, they had done so; and it was their conduct which had incurred the present calamitous consequences. A secretary of state, whom he now saw in his place (Mr. Canning), had last year proposed certain resolutions respecting lord Castlereagh, in contradiction to a motion of his, which were adopted, and which, he observed, were the chief cause of the indignation of the public, and were noticed in every petition. He now thought it right to give notice, that at no very distant day he meant to move for the erasure of those resolutions. He was sorry to see the country at large generally ranged in opposition to the House. When he said this, however, he by no means meant to deny the right of the House to commit: on the contrary, on a former occasion he had maintained they had such a right. The House, however, could not expect that any right of their's should be tamely acknowledged, while they suffered resolutions so contrary to their dignity as those to which he had alluded, to remain upon their journals. He would ask the former secretary of state, and the chancellor of the exchequer, with what feelings they had heard the Speaker and the petitions say, that they had committed acts at which their ancestors would have startled with indignation? Why should not they, though at an humble distance, emulate the purity of their ancestors? He did not wish to speak against the privileges, or to lessen the dignity of that House; but while such practices obtained, he must say, such petitions were justly presented.—The House itself gave the provocation, and it must take the consequences. He was ready now not only to vote for an adjournment, but to give notice of a motion for expunging those obnoxious Resolutions from the Journals.

Mr. *C. Adams* said he opposed the Middlesex petition because it was a mandate; such objection did not attach to the present petition, and therefore he should vote for its reception.

The *Chancellor of the Exchequer* had not heard any reason to convince him that the House ought not to deal with the petition just presented as they had dealt with the last petition presented to them on the same subject. The objection made by his right hon. friend to the reception of the petition was not grounded on the assumption that it did not speak the sentiments of the majority of the livery. That was a question the consideration of which would on no occasion influence the House to receive or to reject a petition. His right hon. friend had been completely misunderstood, and had only argued against the reception of the petition, on the ground that it contained matter and expressions which rendered it impossible for the House, consistently with their duty to themselves and to their constituents, to entertain it; and that therefore it was some consolation to him to reflect, that it did not proceed from a majority of the body whose petition it professed to be. Indeed, when the small number of signatures to the petition was considered, although it did not follow that there were not many individuals consenting to its object; yet it was a fair inference, that the number was not so great as was attempted to be represented. The distinct ground on which he should vote for the rejection of the petition, however, was, that it was wholly introduced to insult the House. If any one could make it appear that such was not the evident object of the petitioners, he would concur in the motion for its reception. In his view of the subject, it was impossible to understand it in any other manner. He trusted, that the House would not confine their examination of this Petition to one or two of the introductory passages, and that they would not be inclined, because the petitioners "affected humbly to conceive," to give admission to a petition of a nature so offensive. It was true, that in the petition rejected the other day the most gross and unshielded declarations were contained; but if other petitions, having the same purpose in view, and comprising the same matter, with the single exception of being somewhat more guarded, were admitted, how idle would the proceedings of the House appear, and how completely would they hold themselves up to public contempt. An honourable gentleman opposite (Mr. Whitbread) seemed to think that petitions of any sort whatever ought to be received. The argument of that honourable gentleman was, that the House of Commons had already lost its dignity and its sense of justice, and that the confidence of the people in it was shaken. Not only did the hon. gent. declare that such were his sentiments, but he added, that the House must not expect the people of England to approach them in their petitions with deference and respect. If that were indeed the opinion of the hon. gent., he might well argue for the reception of any petition, however offensive and insulting. If that hon. gent. were prepared to receive the insults of any petitioners; if he even led the way in insulting the House; if he contended that the declaration that the House had lost its dignity was the language of truth and justice—then indeed it was no longer surprising that he should support such a petition as that which it was proposed to lay on the table. He could not, however, conceive, that the observations of the hon. gent. grounded on such arguments, would have any weight with the House, however violently they might be urged. The hon. gent. asserted that his Majesty's present ministers were men calculated to bring the country into a difficult situation, but that they were not men calculated to fight the battles of the House of Commons against the people. If that battle must be fought, it seemed that the House would not have the assistance of the hon. gent. On the contrary, it seemed that he was one of those with whom the House would have to contend. Whatever might be the success of that battle, he trusted that the appearance of such insulting documents as that just presented would inspirit the House to resist the attack that was making upon them, and to shew that they were not to be intimidated, although their assailants might be headed even by the hon. gent. himself. As to the proposition for deferring the decision of the present question, he really was at a loss to conceive what doubt could exist in the mind of his honourable friend, with respect to the course which it became the House to pursue.—Having, however, yielded to a similar wish expressed on a former occasion, he should not object to his hon. friend's proposition. He trusted that his hon. friend and the House would in the mean time consider the petition, and determine whether or not it was proper that the dignity and justice of the House should be questioned by petitioners, who "humbly conceived" not only that their proceedings had been contrary to law, but that no united effort of the legislature could make them legal—who stated, that they were not at all surprised at those proceedings when they reflected on the manner in which the House was constructed—who, alluding to a vote of the House, declared that they could not contemplate it without indignation and disgust—and who asserted, that the House of Commons had lost the remaining confidence of the people.—Were not these expressions insults! Could any rational man doubt that it was the distinct object of the petitioners, under the mask of humble conception, to insult the House of Commons more grossly than they had been insulted even on former occasions? It had been said by some one in the course of the debate that he (the Chancellor of the Exchequer) objected to the reception of the petition, because of the manner in which his own name was mentioned in it. He had however given manifold evidence that such did not form with him a ground for the rejection of a petition. The first petition presented on this subject, and in the reception of which he had acquiesced, mentioned him in a similar manner. He had consented to the reception of that petition, because it came in the first instance from the constituents of the person who had just then been committed by the House to the Tower; because the petitioners had hardly had time to deliberate on the strict propriety of their expressions, and because he was anxious that no captiousness should be shewn by the House on such a subject as the receiving of the petitions of the people. But did it follow that from day to day and from week to week the House were bound to entertain fresh and increasing insults? It was too obvious that there was a disposition existing in many individuals without those walls to degrade and vilify the two Houses of parliament, and he was sorry to add that there seemed to be a person in that House disposed to lend his assistance to such an effort, and to set the example of using the strongest language of offence.—He trusted that after a mature consideration, the House on resuming the discussion, would treat this petition as it deserved—that they would consider that the character of a petition ought to be decent and respectful to the body to whom it was addressed—that they would determine that although they would not captiously lay hold of any accidental impropriety of language in a petition, yet when there could be no hesitation in believing that a petition was presented for the express purpose of insult, it would be weakness to consent to its being laid on their table.

Mr. *Whitbread* availed himself of the opportunity afforded him by the new question of adjournment, to reply to some of the observations of the right hon. gent. The right hon. gent. had supposed that he (Mr. W.) was one of those who thought that every petition ought to be received by the House let it be couched in what language it might. This was not the fact. As a member of Parliament he had always conceived himself bound to present to the House any petition communicated to him by any individual for that purpose, unless that petition contained offensive matter or language; and with this sentiment he had frequently suggested their correction by the petitioners of petitions so given to him for presentation. But the petition under consideration was the petition of a constituted and deliberative body—of a body who had a right to address his Majesty on the throne; and who had exercised that right until obstructed by the present administration. He contended, in opposition to the right hon. gent., that the object of the petitioners was not decidedly to insult the House, and condemned the mode in which the House seemed to seek for insult. The right hon. gent. had accused him of expressing himself in strong language with respect to the want of dignity and justice in the House of Commons. To this accusation, he would only reply, that strong as his expressions had been, language itself was deficient in terms of adequate strength to express the sense which he entertained of the want of dignity in the House of Commons, as considering their conduct with reference to themselves, and of want of justice as considering their conduct with reference to others. To the day of his death, he would fight the battles of the people with the House of Commons when the House of Commons were unjust, and he did not know how he could better acquit himself as a citizen. Whoever might lead the battles of the hon. gentlemen opposite, of this he was convinced, that even had the House justice on their side, the right hon. gent. was incapable of being that leader; but he appeared doubly incapable when he took a ground upon which there was not a colour of justice, and when he betrayed the House into steps which they must ultimately be compelled to retread. The right hon. gent. had originally deluded the present House of Commons by the grossest bigotry. It was probable, that unless they were found sufficiently pliable he would be obliged to advise their termination by a sudden dissolution. For his part he had no hesitation in distinctly declaring it was his opinion, that let the existence of the present parliament terminate when it might, it would terminate in disgrace.

Captain *Parker* declared, that while he had a seat in that House, he would never agree to the reception of any petition which directly or indirectly insulted the House. The present was of the latter description. It was not a petition, but an artful snare to entrap the House. The petitioners set up their opinion against the opinion of the House; but it was the duty of the House to shew the petitioners that they did not regard their opinion, and that they consider their own much better. The petition contained nothing less than an accusation of the House of Commons of murder. He would vote for its rejection. As he was on his legs he would observe, that he conceived it to be a very unfair thing to bring the Teller of the Exchequer on the carpet on every discussion, whatever it might be. He understood that that right honourable gentleman would unquestionably have gained his election for Cambridgeshire had he chosen to persevere.

Mr. Alderman *Combe* could not consent to postpone the decision of the House one moment upon the petition before them. Adverting to the observation made by the right hon. the Chancellor of the Exchequer with respect to the paucity of signatures, he explained that that was owing to a resolution of the common-hall by which the number of those who were to sign the petition was limited.

Mr. Secretary *Ryder*, in consequence of the statement made by an hon. gentleman, that to him (Mr. R.) was attributable the refusal of his Majesty to receive in person the petition, observed, that he had done no more than the hon. gent.'s own friends. He had acted precisely in the same way as his predecessors had done ever since lord Grenville held the situation which he had then the honour to fill.

Mr. *Whitbread* said, that it was little to the purpose to state what others had done. The question was, whether he had acted properly—and in his opinion he had acted with very great impropriety.

It was then agreed that the discussion should be adjourned till to-morrow.

[EXPEDITION AGAINST THE ISLAND OF MACOA.] Mr. *Prendergast* rose, in pursuance of a notice which he formerly gave, announcing his intention to move for the production of all papers, connected with an Expedition, which was sent, under the command of rear admiral Drury, against the island of Macoa, in the Chinese seas.—He remarked, that when he gave that notice, he did also intimate his intention to move for the production of some other very interesting documents connected with China, and our possessions in India; but that when he came to consider the variety and importance of the questions likely to arise out of the fatal and ill-advised expedition to which he had adverted, he deemed it to be more prudent, and less likely to embarrass the House, to bring the question of the expedition singly, and unmixed with any other subject to its consideration. He proposed, therefore, to postpone his motion relative to the other papers to a future day. But before he submitted the motion to which he then meant to confine himself, he felt it to be necessary for him to offer some brief explanation, not only of the points to which his motion referred, but also of the grounds, on which he felt himself called upon to solicit the indulgent attention of the House on the present occasion. When he adverted to the nature and to the very remote situation of our Indian possessions; when he contemplated the strange and anomalous system on which the government of that vast empire is administered; when he beheld the extensive, and he might add, the unlimited powers with which the governor-general is necessarily armed, and heard of wars constantly commenced, and oftentimes terminated without the possibility of referring to the constituted authorities in this country, either as to the expediency, or to the justice of them; in such a state of things, and under such extraordinary circumstances, it was natural that this country should feel an anxiety to possess some effectual check and restraint over their rulers in India, which could only be attained by holding them bound by an awful measure of responsibility for their conduct whilst in office. If public men, acting upon their responsibility in the remotest parts of the universe, were at a certainty, that their measures would be brought under discussion in the House of Commons, as speedily as the distance would admit of, he had not any doubt, but that such a feeling would produce a two-fold beneficial operation—it would serve on the one hand to deter men from the adoption of doubtful, impolitic, or mischievous measures; and excite and stimulate them, on the other, to an active, honourable, and distinguished discharge of their duty. But, no advantage of this nature could be obtained, no adequate responsibility could be made to attach, if it be permitted that transactions involving the dearest interests, the character, the honour, and the blood of the country, should be suppressed or withheld from the knowledge of the House, and of the country. And this he maintained to have been the case in regard to the expedition in question, of which he had never heard the slightest mention made by gentlemen in office, nor had he been able to trace in the public prints of the day any report, or the remotest allusion to it; from all which circumstances he inferred, that, either with a view to serve private purposes, or to screen the guilty conduct of those concerned in the planning and execution of it, unjustifiable measures must have been taken to keep the whole subject from the public view. Extensively and remotely scattered, however, as are the British possessions all over the habitable globe, it may be deemed one of the manifold advantages arising out of the nature of our happy and mixed constitution, that there are to be found, amongst the members of the House of Commons, gentlemen, who from local knowledge, or some particular chain of connexion or intercourse, possess the means of obtaining accurate information on all subjects, (however remote the scene of action) in which the honor and the interests of this country are concerned. And he conceived it to be the bounden duty of every gentleman who had the honor of a seat in Parliament, to call to its special notice, all such transactions, as may, from their importance, appear fit subjects for deliberation; being convinced that the circumstances which he should immediately have the honour to submit to the House, would be found to come strictly and distinctly within this description, and to demand most imperatively of the House, that an enquiry should be instituted, and some immediate measures be adopted, with a view to repair the injuries which had been sustained, to preclude the recurrence of similar scenes of disgrace and disaster, and, above all, to convince the world, and in particular the government, and subjects of China, that the constituted authorities in this country were no party (as he sincerely hoped it would appear they were not) to a proceeding, which in his apprehension was, in its plan and progress, as gross a violation of justice and good faith, as it proved, in its issue, a monument of disgrace, obloquy, and disaster. Influenced by these motives arising out of the foregoing considerations, and encouraged by the indulgence which he had uniformly observed it to be the disposition of the House to exercise towards persons unaccustomed to address it, he should proceed, with all possible respect and deference, to state a few outlines of the case to which he had adverted, in the anxious hope, that the House would concur with him, as to the propriety of instituting an enquiry into those transactions, and the consequent necessity of ordering the papers to be laid before Parliament, for which he should have the honor to move.—In the actual stage of the business, it was not his intention to obtrude upon the House any detailed observations on the value and importance of the trade which we now carry on with China; it would be sufficient for his present purpose to remark generally, that there is no branch of our external commerce which, for its extent, contributes so abundantly to the revenues of the state, or in which the great mass of the population of this empire may be supposed to take so deep and so anxious an interest. And, therefore, he humbly conceived that any course of operations calculated to place so valuable a branch of our trade in jeopardy, and eventually to deprive us of it altogether, was not only a fit subject for the House to entertain, but one which called most seriously upon every gentleman who heard him (and he lamented the number was not more) to give to it his most mature and deliberate consideration. How far this hazard has been encountered, and to what a perilous dilemma have our interests in China been reduced, it would be competent for the House to form an estimate, when the papers relative to this ill-fated expedition should be laid before Parliament.—Mr. Prendergast then said, that by his information it appeared, that no sooner had the information reached India that the court of Portugal had removed under the protection of the British flag from their European possessions to the Brazils, than schemes of ambition and conquest appear to have opened themselves to the view of our rulers in that quarter. An immediate determination seems to have been formed to possess ourselves of the island of Macoa, on which the Portuguese had for a series of years been permitted, under circumstances of singular restriction, and obvious jealousy, to form a small establishment. An expedition, consisting of a formidable naval and military force, was ordered to be assembled, and the conduct of it was placed under the command of his excellency, rear admiral Drury, by order of the governor-general in council. His information did not enable him to state the exact period of the embarkation of the troops, or of the sailing of the expedition; however, it did enable him to state, that the gallant admiral reached his port of destination about the end of September, 1808. On his arrival he represented to the Portuguese governor, that in the spirit of pure friendship and faithful alliance, he was dispatched with a respectable military force, for the purpose of strengthening Macoa, and enabling it to resent and resist any insult or attack, which the French might make upon it. To the Chinese authorities the gallant admiral also represented, that animated by similar feelings of friendipsh and regard towards the Emperor of China and his subjects, the British government had entrusted him with the command of a mixed force for the double purpose of frustrating and defeating the views of the French tyrant upon the island of Macoa, and of scouring the Chinese seas of the piratical fleets of Ladrones, which had of late infested the coasts and interrupted the commerce of China. The Portuguese Governor hesitated not a moment to decline the proffered aid, which he resisted on the double plea of his conviction, that his acquiescence in such a measure would awaken the jealousy and excite the resentment of the Chinese, and that it would likewise expose him (the governor) to the displeasure of the governor of Goa, and of his more exalted superiors in Europe and the Brazils. To this reasoning the gallant admiral opposed the very concise argument of "if you won't, you must"—and there was nothing left for the governor in his weak and feeble situation, but to oppose the only resistance which was competent to him to offer, namely, a formal and solemn protest against the measure, as being entirely unnecessary, unjust, and oppressive. It must be observed, and he intreated the House to attend to the circumstance, that, although the gallant admiral when he first communicated his overtures to the governor, represented himself as having been sent in the purest spirit of amity and good faith towards the Portuguese, which induced a belief that he came as the friend, and his troops as the auxiliaries of a faithful ally; nevertheless, when by the arm of power he had overruled the objections of the governor, he landed his forces with all the pomp and ostentation of victory and conquest, and with every ceremony usually accompanying the character of a conqueror, he triumphantly hoisted the British flag, and possessed himself of the Portuguese authority on the island. Remonstrances and protests poured in from all the Chinese governors and Mandarins, and the viceroy at Canton, in pursuance of the usual Chinese policy on all occasions of discontent against foreigners, issued a proclamation, interdicting all intercourse with the English, and commanding all Chinese subjects serving English masters, in any capacity, to withdraw, under pain of death, from their service.—The gallant admiral having established his government at Macoa, proceeded with his squadron, in company with the supercargoes, to the anchorage-ground in the river Whampoa, without any previous permission had, or obtained from the Chinese government, which was deemed the most flagrant insult and indignity that could in possibility be offered to the Emperor, and his government; and from this anchorage-ground, he commenced a fresh written negotiation, expressed in stronger language than had been used during his stay at Macoa. To all arguments urged by the gallant admiral, whether mild or intemperate, the uniform reply of the viceroy was "strike "your flag—withdraw your troops from "Macoa, and take them and your ships of "war away—and the relations of com-"merce and amity shall be renewed." Impatient of further delay, the gallant admiral ordered his boats to be manned and armed, and proceeded on the 8th of Nov. 1808, to Canton, with the manifest view of intimidating the viceroy, (who refused to see or receive him) not only into the measure of personal conference, but into a full compliance with the ulterior objects of the expedition. The viceroy, steady to his purpose, disregarded the blusterings and vauntings of the gallant admiral, and persevered in his refusal to see him, and also declined to receive further written communications from him; and at the expiration of two or three days, the gallant admiral was compelled to withdraw to his fleet, covered with shame, and carrying with him the obloquy, odium, and execrations of all the inhabitants of Canton. In a short time after this notable effort on the part of the admiral, advices reached him, that a large military force was collecting near Canton, and apprehensions were entertained as to the safety of the British subjects in that city. In this state of things, the gallant admiral directed the chief supercargo to proclaim the following order to the commanders of all the British vessels at the port of Canton.

"Gentlemen,—I am directed by his "excellency rear admiral Drury, to ac-"quaint you, that every British subject "should quit Canton in forty-eight hours "after this date, as the refusal of the Chi-"nese government to listen to his most "friendly entreaties will compel him to "command justice.—Admiral Drury also "directs, that all English vessels should "be prepared to drop down the river with "as little delay as possible. I regret that "it should be expedient to adopt any "measures that must occasion inconveni-"ence to many; but, rely with confi-"dence upon every person's complying "cheerfully with what is likely to prove "of public utility, and which the present "state of affairs renders unfortunately ne-"cessary, assuring them at the same time, "that every attention will be paid to "the preservation of British property. "(Signed) J. W. ROBERTS. Canton, "21st Nov. 1808."

It is difficult for the subjects of this free land to imagine the scene of confusion and alarm, to which this portentous order gave rise amongst the British inhabitants at Canton. These unfortunate victims, to the impolicy and extravagant fancy of our rulers, having scraped and scrambled together as much of their devoted property, as the hurry and danger of the moment would admit, were compelled to abandon their homes and concerns, and to seek, with the utmost precipitation, shelter under the British flag. It might have been supposed, that the failure of the gallant admiral's first vain attempt, by his personal appearance at Canton, to overawe and intimidate the viceroy into an acquiescence with his objects would have served as a wholesome caution to guard him against exposing himself, his people, and the British flag, to a repetition of similar insults, derision, and contumely, as attended that wild and ineffectual experiment; but, in an evil moment, he determined otherwise. The proclamation, which was issued on the 21st. of Nov. drew all the British subjects together at the anchorage-ground (distant from Canton about 25 miles) on the 23d; and it appears, that the gallant admiral, doubtful what course to adopt, remained inactive until the 28th, when again he gave orders for manning and arming all the boats of the fleet, and, with a much stronger force than he had formerly carried with him, shaped his course towards Canton. When the admiral's fleet of boats had proceeded within three miles of this city, a considerable body of armed persons was seen assembled at a small fort, which commanded the river; and no sooner had the gallant admiral approached within range of shot, than a brisk fire of round and grape was opened upon him. Various efforts were made by the admiral to enter into explanation, but all proved ineffectual. The only reply he could obtain to his professions, and protestations of amity and good faith, was, from the mouths of their cannon; and, at length perceiving that his situation, already dangerous, might become critical, he once more determined to repair to his ships, under circumstances of disgrace, obloquy and execration, easier to be conceived, than described. Mr. Prendergast here begged permission of the House to state a circumstance which occurred in the course of this fatal and mistaken experiment, upon the nerves of the viceroy, and the fears of the Chinese. It was alleged that, during the time that resistance was offered from the fort, an attempt was made by a body of Chinese to seize and detain one of the English boats, in which they succeeded so far as to have taken possession of her. An immediate order was issued for the recapture of this boat, and in the course of this duty, his information stated, that 25 Chinese were killed, and several others wounded. He humbly maintained that, if this ill-fated expedition involved no other circumstance of interest, or concern, than the loss of so many lives, in a course of proceeding which he had endeavoured to describe, and which appeared, to his judgment, to have been a series of aggression and injustice on the part of our commander, in every stage of it; if we took no other interest in this extraordinary expedition, than that which the loss of so many lives, in such a manner, was calculated to excite, still, he contended, that there was, in this unfortunate result, abundant ground, not only to justify, but to demand of the justice of parliament, that enquiry should be had, and eventually that punishment should be inflicted. Anticipating, however, the possibility that the papers might be refused, for which he was about to call, either on a plea of their being so voluminous as to impose extraordinary trouble on the clerks of the departments in which those papers were deposited, or on the plea of the expense which might attach to the printing of them, he begged leave to submit to the House, that he was willing, with a view to obviate either, or both of these objections, to be one of a Committee to examine and select such papers as might be deemed necessary to the establishment of his case, which might be, in his opinion, reduced to a very few in number; and that, if any objection should exist on the ground of expence, he was ready to defray all such charges out of his own pocket, rather than the House should be kept uninformed on a subject of such serious importance. He felt no inclination to detain the House longer than to offer the expression of his grateful acknowledgments for the indulgent attention with which he had been honoured, and he should, therefore, proceed to submit his motion.

1. "That there be laid before this House, copies of all dispatches, with their respective dates, which have been received by the right hon. the lords commissioners of the admiralty, and by the court of directors of the East India company, relative to the late expedition, sent under the command of his excellency, rear admiral Drury, against the island of Macoa, in the Chinese seas. 2. Copies of all orders and communications which the right hon. the lords commissioners of the admiralty, shall have transmitted to rear admiral Drury, on the subject of such report or reports as that officer may have made to their lordships, respecting his proceedings in the late expedition against Macoa. 3. Copies of all orders and opinions, which may have been transmitted by the hon. the board of commissioners for India affairs, or by the court of directors of the East India company, to the right hon. the governor general of India, or to the company's supercargoes at China, relative to the late expedition against Macoa, or to any other operations or plans which may have had for their object the capture, or occupancy of that island, by a British force, or by the troops of the East India company."

Mr. *R. Dundas* said, the detail of the course of the expedition was correct, as far as it went; but circumstances had been omitted which altered the complexion of the case. When there was reason to apprehend that the British would be excluded from the Portuguese ports before the removal of the royal family of Portugal to the Brazils, orders had been sent out to to take the Portuguese settlements in the East, (afterwards countermanded) by force, if necessary, except Macoa, which was not to be taken without the concurrence of the Chinese, and it was imagined that the Chinese would willingly accept of our assistance to repel a hostile attack of the French on the settlement, if that should be attempted. The governor general was apprized by the Committee of supercargos at Canton that the French were preparing to attack the place, and that it might be taken possession of by us, with the concurrence of the Chinese as he understood. It was necessary to act immediately, without waiting for further orders, and the governor sent admiral Drury, who acted in concert with the supercargoes, till they were convinced that further perseverance would be useless. He conceived that no blame attached to the governor-general or the admiral. He agreed with the hon. gent. as to the importance of preserving our Chinese commerce—but under all the circumstances, he thought there was no occasion for these papers, which were very voluminous, and he would therefore oppose the motion.

Mr. *G. Johnstone* disapproved of the occupation of the territory in question. The island was 100 miles in circumference, the Portuguese did not occupy ten miles in circumference of it; the Chinese only allowed them one week's provisions at a time, so that we had no occasion to dread the French getting, or if they did get, retaining possession of it.

Mr. *Wallace* thought that no sufficient case had been made out to induce the House to order such a mass of papers to be produced.

Sir *H. Popham* thought if there was any inconvenience in producing all the papers called for, there could at least be no objection in producing those which related to the supercargoes, the marine service, and the commander in chief.

Mr. *C. Grant* declared that in the measures which had been pursued by the court of directors, in consequence of this ill-judged expedition, the court had acquitted the governor general, and the admiral of all blame, and had punished the guilty by dismissing the supercargoes from their offices; a measure of punishment, which must be considered very severe, since it not only deprived those gentlemen of large emoluments, but degraded them in the eyes of the world. In conclusion, he appealed to the candour and liberality of the hon. gent. whether all had not been done to answer the ends of justice, which could have been done.

Mr. *Prendergast* had no hesitation in replying to the appeal made to his candour by the hon. member who had just sat down, or in stating it as his firm and decided opinion, that so far was the proceeding described by the late chairman calculated to promote the ends of justice, or to satisfy the reasonable expectations of the country, that he (Mr. P.) considered the course which had been taken, and the decision which had passed, as tending to invert and violate every principle of justice and equity. He contended, that the principle which had been adopted, and acted upon in the course of this proceeding was, in spirit and effect, precisely analogous to the unfair, oppressive and scandalous decision which was past by the court of directors last year, against some of their innocent, but helpless and dependant writers and cadets. In the present case, as in that just alluded to, punishment appears to have been inflicted upon the innocent, whilst the guilty were upheld, complimented, and extolled.—It must be in the recollection of gentlemen, how zealous and active were the exertions of the honourable gentleman, (Mr. C. Grant) and his friends in the direction, to restore to their body the individual, whose patronage had been abused, and who alone was responsible for the trespasses which had been committed; whilst they visited, with a merciless hand, an unmerited measure of punishment upon innocent, unoffending youths, because they could do so with impunity. In the same spirit of oppression and injustice, the directors had, in the case before the House, by the declaration of the hon. member, (Mr. Grant) singled out as the victims of their wrath and displeasure, those who could not, in possibility, be held responsible for the impolicy, the mischief, and disgrace of this mad and improvident undertaking; whilst they now defend, and acknowledge lately to have complimented, those to whom the responsibility actually belongs, and to whom must, of consequence, attach all the guilt of this disgraceful transaction. He would put it to the hon. gentleman, and to the House, whether the supercargoes, who are now stated to have been degraded and dismissed from lucrative offices, for the share they had taken in advising this measure, were, or could, in justice, be held so culpable as the person who ordered, or the commander who executed this rash and ill-fated expedition? Will it be contended, that the supercargoes possessed the power to order or direct an expedition of this nature, for which they must be held responsible? Mr. P. maintained that they were invested with no such authority; that it was only competent to them to submit, in the most humble tone, their suggestion to the governor-general, who, alone, possessed the power to accept, or to reject such propositions.—It had been urged by a right hon. gent. that the expedition was impolitic, unjust, and disastrous, that as the governor-general had appeared to have acted from the best intentions, he ought not to be held blameable; but he (Mr. Prendergast) saw no reason to determine why the governor-general should have credit for purer intentions than the supercargoes; and as the former was responsible to that House and the country, whilst the latter were altogether unknown in any character of responsibility to either, he contended, that no decision which was confined exclusively to the punishment of the supercargoes for a transgression of this nature, could prove satisfactory to the country. He concluded by conjuring the House to insist upon the production of the papers, which would shew where the blame did actually attach; and, in the persuasion that there existed abundant cause of dissatisfaction somewhere, he would persist in demanding the papers.

The motion was negatived without a division.

[WEST INDIA DOCK COMPANY.] Mr. *Barham* addressed the House on the subject of the conduct of the West India Dock directors, respecting the dividends made upon their capital. The hon. gent. contended, that by the act of the 39th of the King they were restrained from making a dividend above 10*l.* per cent. In point of fact, however, they had divided 10*l.* per cent. clear, paying the property tax out of the public funds of the company. This was in effect to divide eleven per cent. contrary to the act he had before alluded to. He felt it therefore his duty to move "That it is the opinion of this House, that the West India Dock Company, in dividing clear 10*l.* per cent. upon their capital, without previously deducting the due proportion of the property-tax from the whole of their profits, did exceed the extreme rate of interest which they were empowered to divide by the 39th of the King."

Mr. *Hibbert* observed, that the Committee had reported that the affairs of the Company had been generally well conducted, and in a manner greatly to the public benefit, but they gave their opinion as to the law on this particular point. Now it did not appear to him necessary for the House to reiterate the resolution of the Committee. The resolution of the House ought not to interfere with the construction of the existing law, and if the directors had acted contrary to the law, it would be for a jury to say so. When the West India Dock bill was passed, the property-tax was not in existence. He moved that the debate should be adjourned for six months.

Mr. *Baring* thought the subject should be followed up either in the manner his hon. friend had proposed, or in some other which might appear more eligible to the House. The opinion of the hon. and learned gent. opposite would doubtless be anxiously looked to by the House as to the possibility of setting the question to rest in a court of law. If a better way of proceeding were pointed out by gentlemen on the other side of the House, he should bow to their decision; but if they did not do so, he should vote for the resolution.

Mr. *Marryatt* observed, that the West India planters were materially interested in this question. According to the act originally constituting the West India Dock Company, the proprietors were to share 10*l.* per cent. upon their capital, and it was stipulated, that upon the surplus profits amounting to a certain fund, a proportionate reduction should take place, in the rates payable at the Docks. Now by the system to which the resolution referred to, the 10*l.* per cent. being taken undiminished, the income tax being paid entirely out of this reversionary fund, that stipulation of the Company was not attended to. Therefore he thought the resolution right and reasonable, and he hoped it would serve to produce a different arrangement in future.

Mr. *Hughan* opposed the resolution.

The *Attorney General* said, the Company had a right to such profits from the public as would make up a dividend of 10*l.* per cent.; but when their profits exceeded that, the residue was to be applied to the public service. Wishing well, as he did, to the Company, of which no one had spoke too highly, he thought they should be called upon to declare what would be their conduct in future. If they would not submit, the public had a remedy, though to apply it might be troublesome. From the construction he put upon the act he thought the surplus appropriated to the public ought not to be burthened with the property tax on their profits. That ought to be paid out of the

10*l.* per cent. they divided on the capital. He concluded by expressing his regret at finding himself unable in the present instance to support the Company.

Mr. *Barham*, in reply, stated his readiness to adopt that mode of proceeding most agreeable to the House.

Mr. *W. Smith* thought the advantages arising to the country from the Company was incidental, and that the income tax ought to be paid on the 10*l.* per cent. they divided on their capital.

The *Solicitor General* spoke in praise of the Company, but concurred with the Attorney General in his construction of the act, as involving a question of private right, he hoped the resolution would be but a preparatory step leading to a measure on which both Houses could give their opinion and set the question at rest.

Mr. *J. Smith* descanted on the advantages arising to the public from the company. He had understood they had a right to share 10*l.* per cent. on their capital without any deduction for the property tax.

Mr. *Johnson* expressed his hope that no proceeding might be adopted by any resolution of the House, but that the question should be tried by a court of law.

Mr. *Barham* said, that if the Company should continue thus to divide it would then be the duty of the House to order an information to be entered against them.

The *Chancellor of the Exchequer* was of opinion that it would not be inconvenient for the House to express its sense by a resolution. It would be extremely difficult to try the question in any way, and at the same time keep the arrears out of sight, which necessarily embraces the interests of the West India merchants

The question was then put, and the Amendment was negatived, and the original question was carried without a division.

HOUSE OF COMMONS.

Wednesday, May 9.

[SIR FRANCIS BURDETT'S PROCESS AGAINST THE SERJEANT AT ARMS.] The *Chancellor of the Exchequer* having moved that the Serjeant at Arms be called in to state the circumstances connected with the service of the Process, in an action at law against him by sir Francis Burdett; the Serjeant was accordingly called in.

The *Speaker* then said to him, "The House being informed that you have some statement to make regarding the service of a Process in an action at law against you by sir Francis Burdett, is desirous of knowing what statement on this subject you have to make."

The *Serjeant at Arms* informed the House, that a person yesterday delivered to him a Paper, which he now held in his hand; and that the same person came to him some time since, and required of him a copy of the Warrant of the commitment of sir Francis Burdett:

And the said Paper was thereupon delivered in, and read; and is as followeth:

"Middlesex to wit. The sheriff is commanded to take Francis John Colman, esq. and Richard Roe, if they be found in his Bailiwick, and that he keep them safely; so that he may have their bodies before the lord the king at Westminster on Wednesday next after 15 days of Easter, to answer to sir Francis Burdett, bart. in a plea of trespass on the case; and that he then have there this precept. By Bill,

Markham and Le Blanc."

"Francis John Colman, esq.—You are served with this Process, to the intent that you may, by your attorney, appear in his Majesty's court of King's-bench at the return thereof, being the 9th day of May instant, in order to your defence in this action. (Endorsed) Ellis, Gray's-Inn Square, May 7th, 1810."

Mr. *Calcraft* asked, what was the Serjeant's answer to this request?

The *Serjeant* answered, he had shewn him a copy of the warrant.

The *Speaker* thought it proper to state, that he had desired the Serjeant to act as he had done in this respect, not conceiving it to be proper that any person who inquired for a sight of the warrant issuing from that House, should be kept in ignorance of it.

The *Chancellor of the Exchequer* moved, "That the matters stated by the Serjeant at Arms attending this House, and the Paper delivered in by him, be referred to the Committee appointed to consider of the Proceedings in the matter of sir Francis Burdett."

Sir *T. Turton* contended that if any thing on the face of the paper in question affected the privileges of the House, the best mode of vindicating their dignity would be to find the person by whom the Process had been served, and to take the proper steps for punishing him.

The *Chancellor of the Exchequer* thought it much more wise to refer the service of Process to the Committee, previous to the adoption of the idea thrown out by the hon. baronet.

Lord *Folkestone* was of opinion that this was altogether an improper proceeding. Either the steps they might adopt were, or were not, intended to have some weight with the courts below. If it was expected that the expression of their determination on the subject was to have any weight with these courts, what would this be but to interfere with the ordinary course of law? It appeared to him that it would be infinitely more satisfactory to the feelings of the public, and must in the long-run be also infinitely more gratifying to the feelings of the House, that the matter were entirely left to the decision of the courts of law, without the intervention of any resolutions of their own. On these grounds he should object to referring the matter to the Committee.

Mr. *Adam* said, that he had throughout taken infinite pains to be correct in all the parts of this proceeding; he had considered every step in it most coolly, and had acted in all the stages of it to the best of his judgment. In no part had he felt more anxiety to be right than in the measure of appointing a Committee, which it was proposed now to charge with the matter respecting the Serjeant, as well as that which related to Mr. Speaker. He sincerely wished that no such step had been taken.—But he was particularly averse to its existing with its present power, and he had, after due reflection, for that reason come to a determination not to attend the Committee, because it seemed to him to counteract the course which he thought should be taken as the only means of securing the privileges of the House. He had satisfied himself, and he presumed to think that what he had to say would satisfy every gentleman who heard him, that he had acted correctly. When the Committee was moved for the other day, he had come to the House determined to oppose it, from a conviction that it was unnecessary, and that it was worse than unnecessary, by giving ground for implying that the House, by appointing a Committee, doubted of its own clear and ascertained privileges. He had latterly acquiesced in its appointment, however, under the impression that there were, or might be, individual members, who, from their pursuits and engagements, might not have had the means of inquiry: and they had a right to be satisfied. He had, however, a most serious objection, one that was insuperable, viz. that the Committee should have power to report opinions. To delegate to them such a power was, in his opinion, an abandonment of the privileges of that House. He thought the House had the privileges sought to be called in question. It was necessary for its own safety it should have them, and, if so, it must also have the means of enforcing those privileges.—He said he would shortly illustrate what were his ideas on the subject from what passed previous to the year 1770, when members and their servants, who had formerly enjoyed the privilege of immunity from action, were deprived of that right, when all which was declared to remain with members was the personal privilege of freedom from arrest. This was done by the act of the 10th Geo. 3. c. 50, brought in by the present lord Onslow. Previous to this period, not a session passed without its being shewn what the warrant of the Speaker by order of the House could do. When a member, or even the servant of a member of that House, was served with notice of action, and complaint made, the person who served the action was brought to the bar, was examined whether he was the person who served the writ; and if he confessed he was, or if it was on his denial proved otherwise, the matter was either referred to a Committee of privileges, or the person was at once ordered into custody. That privilege being taken away, the remaining personal privileges were few. Any instance of proceeding upon them since that time were therefore very rare. A return of precedents from that period, of commitment for serving legal process, would, he believed, be *nihil.* Few persons now existing could have any actual experience of the mode of any proceeding then adopted. Forty years disuse of a daily practice, made the mode of executing the power, fall into oblivion, and might afford a reasonable apology for the House not being at once alert in its course of proceeding, when Mr. Ellis served the Speaker with notice. But it is no reason for not following a course, which, when considered, is the only course that can be followed, consistently with the privileges of the House; and that it was inconsistent with those privileges to appoint a committee vested with a power to recommend a different course. His opinion was decidedly this, that, according to ancient invariable precedent, when legal process was served upon a member, the person serving it was brought to the bar, examined to the matter, and, according to the nature of the case, committed for the breach of privilege. On the present occasion that course should be followed with Mr. Ellis; he who indorsed the notice, should be committed for the contempt, and the House should come to resolutions respecting this breach of privilege, that there might be notice to all the world, that the act done was a breach of privilege, and that the acts of the House could not be questioned in any court or place, in a legal proceeding out of the House. In such a case as this, the House could not delegate its powers to any Committee. They could not, consistently with established rules, appoint them to deliberate when the case was clear; or refer to them a case in which there was no question. He stated this, that on any future occasion, when the question might be brought forward, he might stand *rectus in curia.* He had in his absence been nominated a member of that Committee. He had taken till next morning to consider how he ought to act, and then he wrote to a learned friend, also a member of it, begging that the members might not wait for him, as he was determined not to attend. He felt it to be inconsistent with his duty, to sanction, by attending the Committee, a proceeding which cast so much doubt upon the confidence which the House ought to have on the existence of its privileges. And now when the question arose as to the mode of their proceeding, he thought it becoming in the House to shew that they knew and had confidence in their own privileges. Mr. Adam said, he would not make any motion to this effect, because the conduct of the business was in other hands, but he earnestly called on the gentlemen opposite, to move that the person who had served the writ in question should be brought to the bar of the House. What he had said he had urged with moderation. His only wish was the sustentation of the rights and privileges of that House, as consistent with the constitution of the country. He had discharged his duty, and had acted in such a way as was satisfactory to his mind.

Mr. *Windham* said, that he perfectly agreed with the objections his hon. and learned friend had advanced for not attending the committee. As his reasons were likewise the same, he did not wish to occupy the attention of the House by repeating them. His objections, however, would have been partly got over, if the power of the committee was to be of a limited nature; but when that power was so generally granted, he thought the House should keep it only in its own hands. As he did not choose to give any advice or instruction to the committee, he had of course a natural objection to any interference. On every other point he perfectly coincided with his hon. and learned friend; he deemed the course he wished to be adopted the only old beaten track of the House; it was first enacted 40 years ago. Since that, things of the present nature had been so rare, that the knowledge of the track has been almost lost, and indeed what has happened could not have been expected. He agreed with his hon. and learned friend, that the only safe mode for the House to pursue, was to move in the marked tract of the House of Commons—*stare super vias antiquas.* If it should then be found that the powers they possessed fell short of what was required for the support of their privileges on the present occasion, it could only arise from the circumstance, that no such case as the present had ever occurred. Still, however, it was the duty of that House to act up to what had been done by their ancestors. He only wished, in what he had said, to stand acquitted with the House, and to declare that he had not refused acting on the committee, because he was adverse to the hon. gentlemen opposite.

Sir *J. Anstruther* declared that he for one entertained no doubt whatever of the privileges of the House, and of the propriety of pursuing the course adopted by their ancestors for their preservation. There was no course but one for maintaining those privileges, and no place but one in which they ought to be maintained; for it was impossible to think of referring the privileges of the House of Commons to the courts of law in order to decide their validity and extent. Conceiving therefore that the appointment of a committee to give an opinion on a subject to do no good, and might possibly do harm, he had declined attending upon it.

The *Attorney General* agreed that the privileges of that House could not be questioned before any tribunal whatever, but that they themselves were the sole judges of their privileges. He wished it to be generally known, that his hon. friends, who had already spoken, concurred with him and with those who sat on the same side with him; or if it pleased them better, that they (the ministers) concurred with them (Mr. Adam, &c.) in this opinion. It was not from any doubt on this head that his hon. friends had been nominated to be members of the committee. This was a point on which he presumed to think that no man could doubt. But they had been put on the committee for the purpose of lending their assistance in suggesting the best mode in which the privileges of the House could be enforced with the greatest safety to that cause which they all joined in supporting. He only rose for the purpose of expressing his regret that his hon. friends had declined acting on the committee.

The *Chancellor of the Exchequer* felt the sincerest regret at the view his hon. and learned friends had taken of the obligation by which they were precluded from becoming members of the committee. He gave them full credit for their motives, and acquitted them of any design to embarrass the committee in any report they might make. He thought, however, that every argument they had used in support of the propriety of their declining to act, proved directly the contrary; and if they had a clear view of the steps necessary to be taken in such a proceeding, instead of being a reason for their declining to act, this should rather have operated as an inducement to them to impart to the committee the clear view of the case which they themselves possessed. They might, unfortunately, not have been able to inspire others with the same clear view of the subject which they themselves had, but still if this had been the case, they could easily have rescued themselves from any imputation which might have arisen from their being members of a committee which had refused to be governed by their wise counsel. On the other hand, if the committee had been unanimous, must not the report have possessed greater weight, coming, as it must have done, from gentlemen of every political sentiment in that House.

Sir *A. Pigott* conceived the course pointed out by his hon. and learned friend (Mr. Adam) to be the only means the House had of asserting its own jurisdiction, and the only means which had been in the use of being adopted when a summons was served on that House. If this mode of proceeding was passed by, he hoped it would not be said hereafter, that there were persons present who had not yet suggested it to the House. He was inclined at this moment to believe, that this was the first instance a process had been served on an officer of this House, for an act proceeding from the House, in which the attorney who issued the process was not ordered to attend. He did not mean to move this, but merely to suggest it; and to bring to the recollection of the House, that they were now to consider what was fit to be done with an attorney, telling the House it was through his instrumentality that this process has been served. If the House was now to pass it by, it was no fault of his. He only suggested to gentlemen opposite what was the regular and established mode of proceeding; and hoped he should not be told, if, after a lapse of six weeks, it should appear that the proper season of resorting to this proceeding had been allowed to pass over—that he and every other member of that House was to blame for the omission, as much as the gentlemen opposite who were in the service of government.

The motion was then put and carried. And on the motion of the Chancellor of the Exchequer, the names of the Lord Advocate of Scotland, Mr. Wallace, Mr. Rose, and Mr. Stephen, were added to the Committee already appointed.

[Petition from the Livery of London—Adjourned Debate.] Mr. Alderman *Combe* moved that the adjourned debate on this subject (see p. 902) be resumed, which being agreed to,

Mr. *Wallace* said, that his opinion when he first read this petition was that it should not be received, and every subsequent reflection he had made on the subject confirmed him in this opinion. He did not object to it because it did not convey the sentiments of the majority of the livery, for that would not be a sufficient reason for rejecting it. Even if it could be supposed to be the petition only of the twelve persons by whom it was signed, still it was proper it should be received if couched in becoming language. As the House was told, however, that it was likely to receive a great many other petitions, it was necessary that they should know from what descriptions of persons they came; that they were the petitions of the people of England, and not the claims of a small set of disaffected persons; even this, however, should not operate as a complete exclusion. Neither was he of opinion that the petition should be rejected because it contained doctrines to his mind unfounded; but because it was part of a complete system of insult pursued out of doors to vilify and degrade this House. He was for rejecting it on account of the number of impertinent and extraneous topics introduced into it; and for the resemblance it bore to another petition which had been already refused. There might be some minute lines of distinction between the two, but they were obviously the offspring of the same parents, and had the same objects in view. Like the Middlesex Petition, it contained a variety of most offensive passages; though it had the appearance of being more respectful, it had none of the reality; there might be a difference between them, but still the resemblance was such—*qualis decet esse sororum,* and this likeness shewed that they had sprung from the same origin. The petition, in fact, was founded on the resolutions passed at the same meeting, and these were such a set of such a nature, that in other times, the person who had dared to authenticate them by his signature, would not have been out of Newgate 24 hours after he had done so. Another reason for his rejecting the petition was to be found in the circumstances which attended the meeting, It was there stated, that the petition was somewhat different from the resolutions, but that this was done only with the view of getting the petition received. He then read the two first resolutions, and asked, if it was possible had they formed part of the petition, that any man could be found who would say that it ought to be received?—In their complaints against the vote on the Walcheren expedition, they did not even give credit to the minority; and even the hon. gentleman (Mr. Whitbread) who went farthest with them, was at one of their meetings called a decoy duck. The House must even sacrifice the privilege of committing for libel producing obstruction before it could satisfy them; for the hon. gent. at another meeting, by venturing to assert the privilege thus far, raised such a clamour, that he was obliged to stop it by giving the health of that distinguished patriot Mr. Waithman. But what they aimed at was, the destruction of the privileges of the House, that by this means they might wound the constitution. While he thought the House ought not to be captious in finding fault with petitions, yet where a spirit of insult was manifest from the document itself, it ought to be rejected. The reception of it would only render the House an accomplice in its own degradation. The good sense of the people he hoped would teach them to respect the privileges of the House which existed for their own benefit.

Sir *T. Turton* contended, that the petition ought to be received. He saw no expressions it contained that could warrant its rejection. Had it been addressed to the persons assembling in St. Stephen's, or had it carried on the face of it a denial of their existence as the House of Commons, then indeed the arguments that had been used would have been admissible. But the petition contained no such expressions. It recognised their authority, and to that authority the prayer of the petitioners was addressed. Their difference of opinion could be no insult to the House, as on that difference of opinion the petition was founded. If they had acquiesced in the decision of the House, there would have been no occasion for petitioning. Their right of petitioning was not attempted to be denied; and if they had that right, they must be allowed to differ from the House on the subject that occasioned their complaints. It had been stated, that whatever might be the language of the petition, or whatever the terms in which it was couched, the resolution passed at the meeting of the livery clearly proved that the petition was intended as an insult. But the House, he contended, had no right to look to those resolutions, whatever might be their nature. The resolutions were not now before them; and if ever they should be brought before them it could only be by a specific motion, when it would be for the House to consider whether those resolutions were a breach of privilege or not. At present they had only the petition before them, and he contended that that petition could not be rejected on the ground of any resolutions that were not regularly before them. It was the petition only they had to consider, and that petition was entitled to stand or fall by its own merits. But even to these resolutions he did not see the propriety of the objection that had been made, and had they even been much stronger, they would afford no justifiable ground of rejecting the petition. He saw nothing in the terms of the petition that could authorise them to reject it. It was addressed to the House in due form, and the redress they claimed was merely matter of opinion, which the House might adopt or not as it pleased. If the petitioners differed in opinion, that opinion was expressed with deference, and it still remained with the House to determine whether they would grant the prayer or not. The truth was, that no petition would be presented to the House without an object, and that object must necessarily either be to do something they had omitted, or to undo something they had done. A petition approving, in all respects of their conduct, was not to be expected, because in such a case there could be no occasion for petioning. Every petition implied complaint, and that complaint must necessarily relate either to some ground of grievance or neglect. If this petition was rejected, he saw no ground on which any petition from the people of England could hereafter be received, so that the right of petitioning must be wholly destroyed. It would be for the House to consider if they would hold out this doctrine to the people, and tell them that no complaint on their part would be henceforth heard by the House. He admitted at the same time, that there were expressions in this petition that might have been better omitted; but what were they to expect when the people had been disappointed and irritated? When it was the opinion of so many persons in and out of the House—when, he would say, it was the opinion of such a great and enlightened mind as that of the hon. gent. near him (Mr. Whitbread), not only that the House had exercised its privileges improvidently but that it had no right, in the present case, to exercise it at all—was it surprising that the people should express themselves frankly and warmly on the subject? Goaded and irritated as the people had recently been by the conduct of public men (one of whom, in whose imprudence all those difficulties in which the House found itself originated, had lately been raised to a situation of great honour and emolument), was it surprising that the petitions should express their feelings of disgust in strong and energetic language? The House, he admitted, must have privileges; but if the House had their privileges, the people had their privileges too; and one of these privileges was to bring their complaints and grievances before that House. If they stood up in defence of their own privileges, it was but fair they should allow the people theirs. The people, whether right or wrong in their claims—whether justifiable or not, in their complaints or grievances, had a right to be heard. Their petition ought to be received if the language was not wholly unconstitutional, but with the House it remained to determine, whether they should follow up their address or not. It was for this simple right he contended, and he saw nothing in the present petition that would deprive the petitioners of it.

Mr. *Jacob* said, it was his firm and decided conviction, that a majority, and a very great majority, of the real people, not the populace, were against the principles contained in this petition. He admitted that the populace of England approved of the sentiments of this petition, but not the people of England, and he made a great distinction between the people of England, and the populace of England, and contended, that the principles here set forth, are maintained and supported by those designing persons whose aim it was to set the populace of England above the people and the laws of England. Had the people of England approved of these sentiments, there must have been a great many more petitions than he had, hitherto, seen; but there were none—except in London, Westminster, Hackney, and Reading. To convene meetings upon subjects of politics at these populous places was not difficult, for those who connected themselves in strict alliance with the inhabitants of Fleet-lane and Saffron-hill; and with such persons when a great number of them were collected, it was easy to raise among them the cry of No Peculation, and No Popery, or any other cry, as it was pretty certain that these sons of light would rally round each other, for the sake of plunder, if nothing else; that being the practice on which their existence depended; but he contended, and he hoped the House would believe that the language of this petition did not proceed from the people of England. As to the livery of London, they were not collected together in such a manner as they could speak the sense of the livery at large. One of his hon. friends had said, that there were present on this occasion about 2000 persons; and he maintained that not one-half of them were liverymen; and he undertook to account for this by observing, that across the Common hall there was a passage to go into the court of King's bench, so that every person who demanded admission into that open court, was entitled to enter, and persons in this way got into the common hall, who were no liverymen, under pretence of going into the court of King's bench. Thus, they passed for liverymen; and by clamour and brutality which prevail at such places, they intimidated the peaceable and the decent; for it was too much to expect that such persons would expose themselves to the brutality or ferocity of persons of that description; many of whom were assassins and pickpockets. Decent, sober, and quiet men would not attend among such a rabble. Being thus deterred from attending the common hall, some of the most respectable of the livery drew up a protest against the proceedings of this common hall. They were 1,700 in all; a greater number of the liverymen of London than they had actually attended this common hall on this occasion; they published this their protest, and they were what they professed to be, really liverymen of London; they pledged themselves, not to support the ministers, but to support the constitution of this country; that was to say, they pledged themselves to support the form of government under which we had the happiness to live, as it was formed of King, Lords, and Commons; and possessing as they did an attachment to the representatives of the people; shewing as they did, a proper regard and respect for the representatives of the people, and a full confidence in the virtue of the wisdom of the parliament and purity of the laws of the land, and the equal distribution of justice, he did believe, and after this he hoped he should not hear any thing to the contrary, that the virtuous part of the community were against the publication of such sentiments as those which were contained in this petition, but they were intimidated by these ferocious persons who attended these public meetings; there were many who knew the truth of what he was saying, and that there were, even of real property, character, and virtue, many who had been terrified into silence by a desperate mob on this occasion was notorious, but they had afterwards expressed their dissent to these turbulent proceedings. He maintained that he was no more of a party man than sir F. Burdett himself was. He was as independent in that House as any man in it, nor was he afraid to avow his sentiments on this or on any other occasion; as a proof of it, he begged leave to refer the House to his conduct in it.—He had by his vote, shewn he could censure the son of the King—(the duke of York)—and also the brother of Mr. Pitt—(the earl of Chatham)—they had not escaped his censure, since it appeared to him that they deserved it—sir F. Burdett had met his censure also, and he deserved it a thousand times more than the other two; for he was a thousand times more criminal.—He said he was no follower of a court faction, any more than he was a partisan in these turbulent proceedings; nor were the people of England factious or pleased with these violent proceedings. When he spoke of the people of England he alluded to that middle class of the community, among whom resided so much virtue and so much intelligence, and that class of the community was of opinion, that the House of Commons had not exceeded its authority in the present case, but had exerted that authority for the protection of its own proceedings, and for the general benefit of the people of England.—He did not admit that the feelings of the people of England were such as the hon. bart. had stated, that is, favourable to the sentiments contained in this petition; these sentiments and feelings he believed were not common to the people of England; as a proof of it, there were no petitions from any quarter, except that of this metropolis and the county of Middlesex; but when the meeting was at Hackney, which could easily communicate with Saffron hill, on account of its being in the vicinity, there a mob might be raised at any time. As a proof that these proceedings which were had at public meetings, were the work of a few individuals, and not the spontaneous effusion of the hearts of the mass of the people of England, he called upon the House to remember that there were no petitions of this kind from any part of the country. He took that to be a proof of these principles not being countenanced by the people of England. He did not pretend to infallibility. Should other petitions come, he should change his opinion; but he set very little value on the resolutions of such a mob as that which he had endeavoured to describe; they were strangers to each other when they met, and generally followed any leader and voted any thing that was proposed to them; where a meeting was held of neighbours, and persons who knew each other, and they passed resolutions, expressive of their complaints, attention should be paid to the determination of such a meeting, because it was the result of the genuine feeling of the people of England. He did not mean to draw a conclusion from all these observations against the reception of the present petition offered to the House, that was a matter entirely with the House, and they would deal with it according to its deserts; he should not object to it on account of its being signed by only 12 men, but he could no more help thinking that these things were the effect of the management of a few, than he could help thinking, that he was himself a citizen of London. And applying the knowledge which he possessed as a citizen of London, and comparing the spirit of the resolutions which passed at the meeting of the livery, with the language of the petition now offered, he would say, if there be one man in that House who would lay his hand upon his heart, and then declare, he did not believe these petitioners intended to insult the House, all he could say, was, that such a member would be justified in voting for the reception of this petition; but the judgment of such a member was very different from his; he trusted, however, that the feeling he had upon the subject of this petition, was consonant to the general feeling of the House, and that, therefore, this petition would be rejected by the House. He was ready to throw open the doors of the House of Commons, as widely as possible, for the purpose of receiving genuine petitions; that was to say, those statements of grievances really felt by those who complained of them, and who really did seek redress in the true spirit by which redress ought to be expected, and by which alone it could be obtained, by civility of language and decency of deportment; but it would be childish folly to throw open the door of the House of Commons to such a thing as this, for it was neither more nor less than a studied insult on the House of Commons, reflecting on events, some of which had occurred last year, and which had no real connection with the matter which the petitioners profess now to be their object to attain; and stating some things as facts, which in reality never occurred. Such, for instance, as that of our troops going to Walcheren without any object, and without hope;—that was not true, for they had an object and an hope in the expedition to Walcheren, although both were cruelly frustrated. To conclude, believing, as he did, that this petition did not speak the sense of the people of England—in any legitimate sense of the word people; and believing, that some of the instigators of these proceedings connected themselves with desperadoes, who, by their presence, struck terror into the virtuous part of the community who happened to witness their clamour by which they imposed silence on those who differed from them in opinion—he should vote against the reception of this petition.

Sir *S. Romilly* observed, that it must be the general wish, to come to a calm vote on the subject, whatever that vote might be, but the speech of the hon. gent. who spoke last was not much calculated to promote that object. Having voted for the Middlesex petition, the House would not be surprised that he should support the receiving of this. It was of the utmost importance that those who proposed to vote for the rejection of the petition, should distinctly state the grounds of that rejection. If the doors of the House, according to the expression of the Speaker, which had been received with such universal approbation, were to be thrown wide open to petitioners the House ought not to make any great difficulty on account of the expressions of persons who really thought themselves aggrieved. The House ought to be desirous that these appeals should be made to itself, and that these differences of opinion should find their proper channel in addresses to the House. He was not in the House last night, and therefore had no means of knowing what passed in it, except through the information of friends and other sources of communication; upon matters of this sort he had endeavoured, through these mediæ, to inform himself of what passed on that occasion, and he owned he did not then collect, nor could he now see, the ground on which the petition now offered to the House was to be rejected by it. That was information which he had yet to acquire. He had heard it said, that the present petition was meant to insult the House. How was he to collect the meaning of those petitioners but by the language of the petition. That language was humble. His learned friend, the Chancellor of the Exchequer, thought otherwise; he hoped he would point out hereafter, wherein the language was not humble. The matter of the petition could not be agreeable to the House of Commons, because it was a petition presented to them against themselves, and if the House of Commons were determined not to have any thing presented to them that was disagreeable, they never would have any petition presented against any act of their own at all. But, gentlemen said, "look at the petition, and then put your hand upon your heart and say, whether you do not think it was intended to send to you an insult, although there was nothing offensive in the language." He could not take upon himself to say that he had been able to perceive in the petition any thing that appeared insulting, he had examined it with all the care he was able, and yet he had not been able to find out any offensive language in this petition.—(Murmurs from the ministerial benches)—Gentlemen might think what they pleased, but he had no desire, no wish but that of preventing the House getting into a situation which might increase its perplexity, for it had difficulties enough to encounter already. He wished to conciliate the people, rather than irritate them; for what object could he have in taking any course but that which was likely to allay any animosity, rather than awake it? He should therefore ask the House what the reason was that this petition was to be refused reception, except merely because it is the opinion of the House that this petition is certainly intended to insult the House; but he could not see one point of difference between the present petition which is to be rejected, and the Westminster petition which was received, except that the Chancellor of the Exchequer approved of the reception of one, and disapproves of the reception of the other. He saw no difference in the two petitions, except that which was greatly in favour of the present petition. But it had been said, that if the resolutions which preceded this petition were examined, it would instantly appear, that the petitioners were angry with the House of Commons, and therefore it is natural to suppose that they meant to insult the House. He really thought the House of Commons were not to look at the resolutions at all, they were not before the House, and they were not intended to be transmitted to the House, nor should the House consider itself bound to know of their existence; but if the House were disposed to take notice of such resolutions, and found that they contained evidence of anger against the House, it was evidence also that the petitioners, although they felt anger, expressed none towards the House, which shewed that the petitioners did not intend to insult the House; else why should they conceal their anger. So far was this from being against the petitioners, that they ought to be respected for their forbearance in the language they had used towards the House, since they had expressed much less than they felt. Nor had the House any reason to take offence at any person being angry with it for its conduct. The House ought only to act on what had been expressed, not on what had been thought, for if the House was disposed to punish every body who thought ill of its proceedings, perhaps it would be difficult to know where to stop; for that would go to the rejection of every petition, that ever was, or could be presented to the House, in consequence of its own conduct. But the hon. gent. who spoke last, had said, more than once, and seemed to dwell with a good deal of emphasis upon the expression, that the sentiments contained in this petition were not the sentiments of the people of England—it did not purport to be the sentiment of the people of England, it purported only to be the sentiment of the livery of London in common-hall, assembled regularly and constitutionally, and to be the sentiment of a majority of the livery on the occasion to which the petition referred; that out of 3,000, or 2,000, no matter which, that were assembled on that day and on that occasion, there were not 20 who dissented in all. But if this petition was to be rejected, because it is not the sentiment of the people in England, it would come to this, that every petition must be rejected that is not agreeable to the people of England, which, besides the difficulty of ascertaining how the fact stood in such a case, involved many other and insuperable difficulties; but that was not, never had been, and he hoped, never would be, the rule by which petitions were to be judged of; the question was, not whether it was consonant with the wishes of the people at large, but whether it was so, with regard to the wishes of those who presented it. Was that House to wait till they heard the opinions of all the people before they admitted a petition from a portion of them? The hon. gent. had made distinctions between the people and populace, and had fortunately given a definition which enabled others to collect that he contrasted the middling with the lower orders. But was that House, designed to be the representative of the whole of the people, to allow of any such contrast? And then the hon. gent. said, that decent people were prevented from assembling in the hall, from a dread of pickpockets and assassins!! He would not have mentioned this had he not thought that it would be a disgrace to this popular assembly, whose dignity depended upon its being a popular assembly, to pass over such expressions without notice. As for the clamour that was always to be heard at popular meetings, it even sometimes prevailed in that House; but as far as he had heard, there was nothing like violence at the meeting; and to say that persons could not attend it without imminent danger to their property and lives, was not a true description of it. He repeated, that if they were to reject the petition they ought to state the grounds distinctly. The hon. gent. said, that other counties had not petitioned, but if the doctrine was to be acted upon that you ought not receive one petition for fear of encouraging others, it was not likely that other counties ever would petition. He thought, on the contrary, that the encouraging of others to come to the House for the redress of grievances was a reason for receiving this petition. It was, he repeated, of the greatest importance to encourage this mode of appeal. He would vote for the reception of the petition.

Mr. *C. W. Wynn* stated, that the reason why he approved of the adjournment last night was that many were absent from not knowing that the petition was to have been presented. He never had any doubt upon the subject himself. He disclaimed the resolutions as any ground of objection to the petition, though these were highly offensive, and might have been a just cause of punishment for breach of privilege. But men for their improper conduct in other respects were not to be deprived of their inherent right of petition. The question was, whether the petition itself was couched in proper language. In his opinion it was not. When they said that the House had imprisoned two of their fellow subjects without law and against law, it was not the introduction of such expressions by an "humbly conceive," that could render them unexceptionable. They might as well say, that they humbly conceived that the House had not the power of taxing, or of passing a bill, and yet could these expressions be endured? The petition was a studied insult. He did not go into the falsehood of the assertions, that they had acted against law, &c. since it was well known, that the privileges of the House were part of the law of the land, and coeval with it. It was with these that our ancestors fought against arbitrary power; and he hoped, that if it was necessary they should again be exercised in a similar manner, either against the crown or the populace. It was the duty of the present generation to hand them down to their posterity as they had received them from their fathers. He had no hesitation in voting against the reception of the petition.

Sir *John Newport* observed, that the very idea of a petition implied disapprobation, and that, if disapprobation of the conduct of the House was to be a ground of objection, they might have addresses, but they never could have petitions. Were they to force the people to allow their grievances to ferment in their own bosoms instead of coming with a declaration of them to the House? This was what had produced the calamities on the continent. The privilege of stating their grievances, was one which he hoped the people would never part with; for, if they did, there was an end of the constitution. This petition came from a regular body legally convened, which an hon. gent., who had been elected to a high office in the city (Mr. Jacob) had characterised, by coupling them with assassins and pickpockets from Saffron-hill and Fleet-lane! Were the Livery of London and the Inhabitants of Westminster, to be debarred from presenting petitions, because they happened to have such places as Saffron-hill and Fleet-lane in their neighbourhood? As to his assertion, that there were no petitions from other counties, there might be such petitions in good time; but at any rate were they to refuse to hear a part of the people till the whole came forward? Sir J. next adverted to the counter declaration, which he contended was irregular. How were counties to be assembled if this practice was to become general. Instead of going about from house to house for signatures, all who could ought to have attended the meeting. It was their duty to have done so. But then the hon. gent. said, that the King's-bench was sitting at Guildhall, and that a great number got in under the pretence of going to that court. Was that always the case? Were these meetings never to be considered as of any great consequence, except when they approved of the conduct of ministers? A great deal was said about taking the sense of the people in opposition to that of the House of Commons, when the cry of "no Popery" was set up. They had already found that turn against themselves, and they were not the first who erected engines from which they themselves suffered. It would be a fatal day for the constitution of the country, when the people should be prevented from expressing their opinions.

Mr. *Peel* asked whether those who supported the petition thought there were any terms sufficiently harsh to justify the rejection of a petition? If not, then he asserted that it was perfectly useless to put the question, whether any petition should be received. He asked whether the House might not claim the humble privilege of an individual, to repel insult? If it had not this privilege, it was necessary that members should know it, that they might thank the petitioners for their forbearance. The worse way to prevent insults was to acquiesce in them; and he did not think it very squeamish in them to take offence at a charge of murder, and an assertion, that their conduct tended to establish a military despotism. If they were to lay that paper on the table, they might prepare to expect insult—it knocked at the door in the humble character of a petition; but when it got in it would shew its real nature. He thought it was not too much to require that petitions should at least have the negative merit of decency. It was said that the construction of the House did not entitle it to any thing better; but those who looked to a purer House of Commons ought not to admit a precedent that might be applied to any future House. Among their objections to the petition, one was, that it founded its prayer upon the assumption that an illegal act had been committed at the time when, according to their own view of it, the question was pending. He would vote for the rejection of this paper.

Mr. *Elliot*, after expressing his regret at being compelled to differ from some valued friends of his, said, that there never was a question since the commencement of his political career, upon which he felt less doubt. The House could have no fixed rule with respect to the nature of petitions. Each must in a great measure stand on its own merits. He allowed that the temper of the House ought to be rather to extend than to contract the avenues for petitions, but they ought to guard against the wanton abuse of the right, if he knew no way more likely to profane the right; if he might be allowed the expression, than to allow a wanton attack on the privileges of the House, which were those of the people. He would not reject a petition, though the prayer was against his own opinion. But he must attend to times and circumstances. If this had been an insulated petition, he would not have been much disposed to reject it, though he did not altogether approve of it. But this was the third improper petition, or rather the second, one of them having been received. This was at least the second affront which had been offered. But it had been said, that the charges against the House were not direct assertions, but stated as opinions. How would this have answered in private life? Suppose any one said to any gentleman, to himself for instance, that he was a common cheat, a coward, or an incendiary, then he would be entitled to repel the insult; but if it was stated as only the opinion of the person accusing him, then it was to pass without notice! There was in truth nothing in the distinction. He would ask any one to read that petition, and then to say whether its primary object was not to affront the House? The prayer was only a secondary object. Whoever read the speeches delivered at these meetings, could hardly fail of being convinced that there was a systematic plan for keeping up the flame in the minds of the people, to the subversion of the rights and privileges of the House. If the House should receive this petition, it would not be ascribed to a desire of conciliation, but to doubt and fear. He then adverted to a speech of an hon. friend of his, which he described as an echo to the petition. If he understood that it was intended to be so, he hoped that few would agree with his hon. friend in opinion. He concurred with him as to the impropriety of the vote on the Walcheren Expedition. No doubt majorities of that House might be wrong. He must suppose so, as the greater part of his votes had been given in a minority. But they were not to judge of the House from a particular act. They were to take the aggregate of advantage and disadvantage.

Mr. *Whitbread* denied that he had expressed any opinion upon the merits of the Petition, as his right hon. friend had asserted.

Mr. *Elliot* was glad to hear the disavowal.

Mr. *Wardle*, as a member of the livery of London, as well as a member of that

House, felt himself bound to make some observations upon this question. As a member of the livery, he dared to say that the whole of that body felt as indifferent as he did to the reflections thrown out in the course of this debate, and particularly to the opinion of an hon. gent. on the other side, who had indulged so much in such reflections. That hon. gent. had thought proper to describe the common hall as a tumultuous turbulent assembly, but such could not be the opinion of that body by the Lord Chief Justice of England: for that noble lord experienced no interruption whatever, although exercising his judicial functions immediately adjoining the hall; and when he entered the hall itself, on his way from the court of King's Bench, far from witnessing any conduct that would justify the character ascribed to the meeting by the hon. gent. his lordship was treated in passing with the utmost deference.—It was stated that the petition from Middlesex was a direct and declaratory condemnation of the proceedings of the House of Commons; it was not pretended that the present petition resembled that petition in that respect, for it was the desire of the petitioners and their wish to convey no insult to the House; and if gentlemen would read, without connecting it with any extraneous matter, they would not find one expression in the whole of that petition that could be fairly objected to. It was objected by the right hon. gent. last night, that but a very small portion of the livery had signed the petition. He believed that the common practice, both in London and Westminster, was that out of the immense number who usually vote for a petition, a few are selected to sign it afterwards, for and in the names of the rest, because their multitude was well known. Here he wished to be corrected, if he erred; but he understood it was not only unnecessary, but it would have been highly inexpedient, from the consumption of time, and for other reasons, for the petition to be signed by every individual, although that might be done in general in the country.—The right hon. the chancellor of the exchequer had alleged that this petition contained nothing but insult, and that premeditated too; but he (Mr. Wardle) really could not conceive that any great body like the livery of London could meditate any such thing; could, if he might so express himself, condescend to offer an insult—(Hear! hear! on the ministerial benches)—yes, he would repeat, condescend, and even degrade itself. For, in his judgment, the party that offered an insult even degraded itself more than the party that received it. Was it to be supposed, that if the party from whom this petition came, meant to insult the House, that that party could not have more effectually contrived to convey that insult through the medium of resolutions. If it were said that such resolutions might be prosecuted for libel, he would ask, whether the livery of London had not as much right to express their opinion upon public affairs as that House could pretend to, and whether the apprehension of such a prosecution was likely to form any cause of restraint, if the livery were disposed freely to animadvert upon the conduct, or as some gentlemen would impress it, to insult the dignity of that House. Why then should it be supposed, that if the livery meant to insult they should resort to a mode so little suited to the complete gratification of their purpose as a petition to that House itself, which necessarily subjected them to restraints? The people had an unquestionable right to declare their sentiments upon every public question; and why should they be restrained? His opinion of their rights he always had and always would maintain both in and out of that House; but in maintaining that or any other opinion, he had no intention to convey an insult.—Among the passages in this petition deemed most offensive, that which asked the House, where was its dignity and honour? was, he observed, most particularly objected to. But he would ask those who pressed the objection, where was the dignity, or the honour, or justice of the House, when it refused to investigate the charge brought forward by his hon. friend (Mr. Madocks) against two members of that House (lord Castlereagh and Mr. Perceval) relative to the sale of seats, when it prevented his hon. friend from proving the fact; when, in a word, it acquitted the delinquents, because, forsooth, the delinquency was frequent; because the accused had done nothing more than had been done before? In adverting to this circumstance, he begged to say, that the charge which it produced against that House, did not apply more to the noble lord (Castlereagh) and those about him than to the gentlemen on the opposite side who defended him. His language on this subject might be misinterpreted; but he could not hesitate to say, that by the conduct of both parties on the occasion referred to, it was casually discovered, indeed distinctly avowed, that the purchase of seats in that House had been the continual practice of all administrations. How then could the livery of London be condemned for asking that House, where was its dignity, where was its justice, after overlooking such a discovery, and giving impunity to those who confessed a gross violation of its best privileges? A right hon. gent. (Mr. Perceval) had distinctly stated in that House, that there was no question upon which both sides were so completely agreed as in a decided opposition to reform; and why should he be surprised to find his own words the language of the public? Yet he now denounced the repetition of his own language as extremely offensive. The petitioners were, it appeared, rather unlucky in repeating the right hon. gent.'s words. But, in truth, from what the right hon. gent. and others had maintained in the course of this and a recent discussion, it seemed impossible for the people to present any statement of their grievances to that House, unless the precise words in which that statement should be drawn up, were distinctly pointed out. Unless such a course indeed were chalked out, it was not possible to guard any petition against the cavilling, hypocritical spirit, which was now so prevalent, and which there was too much reason to fear proceeded from a desire to stifle the voice of the people. He would be sorry that such a desire should exist in any quarter, and particularly in that House, from which the people had a right to expect very different conduct. That the people had any intention to insult that House, he distinctly denied. If they really meant to insult, he did not think that they would petition at all. But he firmly believed that the people looked to that House as their most essential support. It was not indeed to that House that the people ever objected, but to that corruption, peculation and abuse, of which there was notoriously so much reason to complain. Such was his fixed opinion; and if he thought otherwise, he would have pursued a different line of conduct. He fully believed that the petitioners in this case had no other object than to complain of what they deemed an abuse. If he could conceive that their intention was to insult the House, he should have no hesitation in voting for the rejection of their petition; but his conception being decidedly opposite, he would vote for its reception.

Mr. *Jacob* said he had not applied the epithets he had used to the Livery of London, but to those persons who had introduced themselves into the Common Hall, to the annoyance of the sober, loyal, and honest citizens.

Mr. *Wilberforce* expressed his satisfaction that the debate upon this question had been adjourned, because it gave to the House more time for consideration, and because it afforded to himself an opportunity of examining some doubts which he last night entertained. The result of that examination was the entire removal of these doubts; and he was now ready frankly to declare his intention to vote against the reception of this petition. That House might well be regarded as the focus through which all the good and bad humours of the country transpired, and he was extremely sorry to witness a disposition, which was particularly glaring of late, to bring that House, to use a phrase of law, into hatred and contempt. The petition under discussion too palpably betrayed that disposition. It dealt, to be sure, in some common-place terms of civility, but only with a view to cover what was substantially an insult. The petitioners, indeed, after reciting certain acts which are the subjects of their censure, expressly stated that such acts were nothing more than was to be expected from the construction of that House. From such a petition, in fact, they could not expect any good, while they must mean to do evil to that House. In maintaining that that House did not consist of the representatives of the people, the authors of this petition might, perhaps, propose next to maintain as a corollary that that House had no right to pass laws. It was impossible, indeed, to calculate how far such persons might advance, if they were not withstood—if that House did not maintain its proper respect in this case by rejecting the petition. From the tone of this petition it clearly appeared, that its authors wished to degrade the character of the House. There were indeed too many who co-operated with such persons to ascribe the conduct of all parties in that House to gross corruption—to hold them forth as objects of the country's scorn; and this could not be wondered at from the nature of the language, which was too often used within these walls. Gentlemen could not help sometimes speaking with warmth; but if they would deal fairly, he was sure they must admit that honest men might fairly differ in opinion; and that any attempt to ascribe corrupt motives was generally unjust—Nay, it too often happened, that those who most freely dealt out such imputations were least entitled to do so; and that if they escaped recrimination, it was from want of materials to justify it. But the disposition to ascribe improper motives was never the characteristic of candour, justice, and particularly upon political questions. It was an observation of that acute writer, Dr. Paley, that on all great questions which he had known to have been agitated in parliament, there was much of justice on both sides; and, as far as his experience went, he could justify the principle of this observation. He had, in fact, hardly ever known a case upon which honest men might not differ. Now, as to the Walcheren expedition, for instance, which was the subject of so much disputation, he could not approve of it; but yet he did not condemn those who differed from him, because he thought the authors of that expedition did as well as they could. But as to the merits of the discussion, he really conceived that there was a great deal of strong and just reasoning on both sides, and that, on the whole, it was a question, with regard to which honest men might differ. As to the abuse of ministers by the opposition in that House, he had been in the habit of hearing the same language from his first acquaintance with public life—from the administration of lord North down to the present. Yet that language, although industriously circulated out of doors, and particularly by artful demagogues, was, he believed, seldom justifiable, and therefore he thought it would become gentlemen in these times to consider the nature and tendency of such language, before they employed it. Although he, for one, was not blind to public abuse, or slow to apply a remedy to it wherever it was found, yet he could never be blind to the excellence of that constitution which secured the enjoyment of so much practical liberty, combined with the complete energy of the executive power, as excited the astonishment and admiration of all intelligent strangers. When he contemplated the effects of such a constitution, he could not allow his attachment to it, to be shaken by any description of abuse, because among its numerous advantages it presented the merits of correcting every abuse. Was it possible that any rational man could deny the blessings of such a constitution, as that which kept this country safe and firm, while the pillars of the world were shaken—while the great bulwarks of society in the other nations of Europe tottered to their very foundation? Let those then who loved their country—who loved mankind, cling to the main tenure of this invaluable constitution. Let such men oppose the spirit manifested in this petition; let them beware of these professions of civility which were only used to cover the daggers that would stab that House to the heart. Let that petition be rejected which sought only to insult and to injure, while it professed to respect and to supplicate.

Mr. *Ponsonby* declared his intention to vote on this occasion as he had done with regard to the petitions of Westminster and Middlesex. He would vote for the reception of the petition, but he certainly would not do so if he thought it contained a studied insult to the House. This, however, he could not persuade himself to think, because he could not suppose that men petitioning for any object, would deem it prudent to use insulting language. Indeed, if they could so intend, they could not be serious in their wish to obtain the object in view; and if their petition were rejected, that rejection would be a reproach only upon themselves, aggravated by the consideration that the conduct which produced it would rather tend to perpetuate than to remedy the evil complained of. Upon these grounds he must think it improbable that the petitioners could intend to insult the House.—With regard to the assertion of the hon. gent. (Mr. Wardle) that the gentlemen on his side of the House were more culpable than ministers in the case he referred to, because they, as he alledged, defended the sale of seats, this assertion, as well as others used in that House, and out of doors, served to prove the existence of a studied plan of misrepresentation respecting the conduct of those who were the subjects of the hon. gent.'s censure. For the fact was, that so far from defending the sale of seats, there was actually a bill in that House at the time alluded to, to prohibit such traffic altogether; which bill was brought in by an hon. friend of his (Mr. Curwen) and which bill he himself and those with whom he had the honour to act, used every exertion in their power to have carried into a law. But it seemed unsuitable to the plan he had mentioned to have any regard to justice, to candour, or to truth. From all, indeed, that he had heard and read of late, there was no doubt on his mind of the establishment of a system for propagating scandal —for promoting an impression that all public men were alike—without principle or any regard to the public interest, and engaged in seeking only their own sinister objects. Against that House these slanders were, he observed, particularly levelled. What, that any assembly composed of gentlemen of property, talents, and education, should be actuated only by love of place or a view of plunder—could be blind to every consideration of character, and look only to the pursuit of gain? Was it possible that there could exist such an unhappy public, such a nation of fools, as to believe such language? Sure he was, that there was a great deal of integrity and honour on both sides of the House—for he never doubted the integrity or honour of any gentleman, because he happened to differ from him in opinion. There were, indeed, in all times differences of opinion among the most honourable men upon the most important topics. Many honourable men were found to differ even as to the nature of our constitution. That celebrated whig, lord Somers, was, it would be recollected, once impeached before the House of Lords, through the spirit of party, and the influence of misrepresentations, and yet did any one now believe that lord Somers was not an honest man? or did any one now believe that the great leader of the tories was not an honest man? Yet that noble lord was once the subject of considerable censure. But after the convulsions which agitated this country; after all the men of property, education and reflection had become disgusted with the conduct of those who, by the bye, pretended to be all virtuous, and the restoration of Charles the second took place, lord Clarendon rendered a most important service. When through the enthusiastic loyalty of the day, it was proposed to grant such a revenue to Charles as should make it unnecessary for him afterwards to apply to parliament, lord Clarendon, notwithstanding his devotion to monarchy, successfully resisted the idea, declaring that he would never consent to render the crown independent of parliament. Accordingly the monarch never forgot the resistance of Clarendon, and after giving him up to abuse, sold him to his enemies. —Reverting to the indiscriminate censure cast upon all public men, by those whom the right hon. gent. described as modestly pretending to the exclusive possession of virtues, he expressed his apprehension that that pretension might prove to be unfounded. In fact, he was rather disposed to question this pretension altogether, because, from the whole experience of his life he never knew a man who pretended to be much better than all the rest of mankind, who did not at some period of his life prove to be much worse.

Mr. *Wardle* explained, that he did not mean to accuse the right hon. gent. and his friends of defending the purchase of seats in that House, but of maintaining in the case of lord Castlereagh and the Chancellor of the Exchequer, that such purchases ought not to be punished.

The House then divided, and the numbers were,—For receiving the petition 36 —Against it 128—Majority for rejecting the petition 92.

[CRIMINAL LAWS.] Sir *S. Romilly* stated, that the subject to which he had now to direct their attention, was of no less importance than what he had already submitted to their judgment. In considering punishments as they operated to the prevention of crimes, he thought they might be divided into three classes. The principle of the first was, that the punishment of the individual should operate on society in the way of terror. The second was to put it out of the power of the person offending to commit crimes in future, either for a certain time specified in the sentence, or for ever. The principle of the third was, the reformation of the offending party. This third mode he feared had been very much neglected of late years. He was however ready to allow, that there were many very honourable exceptions in the conduct of the different counties which had established penitentiaries. A favourite system had, as he thought, most unhappily been adopted in the transportation of convicts to New South Wales. Before the restoration of Charles 2., the principle had not been adopted, nor was the transportation of convicts known; but after that time, persons found guilty of offences, entitled to the benefit of clergy, and sentenced to be imprisoned, were transported to our settlements in North America. They were not, however, sent away as perpetual slaves, but bound by indentures for seven years, and for the last three years they received wages, in order that a fund might be provided to give them a fair chance of future success in life. By the act of the 4th of George the 1st, grand

and petty larceny were liable to the punishment of transportation, if the judges thought proper. Thus the law continued, until the revolution in America rendered it impossible to send over any more convicts to that country. As the persons so transported were bound in this manner, those that were rich could easily make such an agreement as that to them the punishment should be only exile, whereas to the poor labour was superadded to exile. In the beginning of the American war, the system of imprisoning convicts on board the hulks was first introduced; and an act was also passed, allowing the judges to transport convicts who were liable to transportation to any part of the world. A mode was then devised for restoring persons convicted of crimes to the habits of industry and virtue. This plan was first set on foot by the celebrated Mr. Howard, lord Auckland, and Mr. Justice Blackstone. Judge Blackstone, in his Commentaries, had descanted warmly on the advantages which were then expected from the penitentiary houses which it was proposed to establish. For 36 years a law for this purpose had remained a dead letter on the statute book, although it was a monument of eternal praise to those who had framed it. While the law so lay dormant, a project was unhappily proposed to government, of sending the convicts to New South Wales to establish a colony there. It was, perhaps, the boldest and most unpromising project which was ever held out to any administration, to establish a new colony which should consist entirely of the outcasts of society, and the refuse of mankind. The persons sent there were not even left to their natural profligacy, but had a sort of education in the hulks, which rendered them infinitely more vicious than ever they had been before. In the month of February 1787, the first embarkation was made for this new colony, consisting of 264 convicts. He was justified, from the report of a Committee of that House, in believing that the original profligacy of those men had been much increased by their long imprisonment on board the hulks. Instead of selecting for the first embarkation persons who knew any thing about country business, they chose only those who had been convicted in London and Middlesex, and who must, as inhabitants of a large city, be conceived most unfit persons for a new colony. Out of the 264, 233 who had been sentenced to imprisonment for only seven years, had laid above four years in prison, and consequently had only three years of their sentence remaining. This was a most flagrant injustice on the persons sent. During the many years since this colony had been established, the case was very frequent of sending over persons who had been on board the hulks for above six years, and whose sentence would have expired in nine or ten months. When they were sent to Botany Bay, however, there was no chance of their returning in the time that by law they were entitled to their liberty. In fact, there was no provision made for their ever returning, and this was a most peculiar hardship and injustice to the female convicts. The only mode in which the male convicts were able, after the expiration of their sentence, to return home, was by working their passage, as they had not money to pay for it. What, then, was to become of the females to whom this resource was not left? Several of them had been transported at a very early age, and the hardship and injustice which they sustained was a subject deserving of the serious consideration of that House. As to those men who returned from transportation, they were generally far more desperate and depraved than when they first went there. The education was in many instances derision; for when young boys were sent on board the hulks, they acquired in a short time a matured virility in vice, which they would not have learnt so soon in any other school. This was, in fact, a subject to which the attention of the House had not been seriously called, from the first establishment of the system. Those who escaped from the settlement wandered among the islands of the South Seas, where they were the apostles of mischief. Their character perhaps fitted them for chiefs among savages: they taught them navigation and useful arts, and many of the missionaries found their labours ineffectual from those persons having preceded them. The expence also of this establishment was most enormous, and infinitely superior to that of erecting penitentiary houses. As to the difficulty of making the prison in Newgate a place for the reform of criminals, the book of sir Richard Phillips (to whom he thought very great credit was due for his attention to this part of his duty as sheriff), shewed that it was not possible. After paying some high compliments to the memory of Mr. Howard, he said that he was not, however, an advocate for solitary imprisonment, unless combined with useful labour. To immure a man within the walls of a solitary cell, who was used to company and of social habits, was often a punishment worse than death, unless some suitable employment was provided for him. He concluded by moving an Address to his Majesty, praying him to direct the act of the 19th of his reign, relating to penitentiary houses, to be carried into execution.

Mr. Secretary *Ryder* agreed in many of the general observations made by his hon. and learned friend. He thought that it would be better to put off the discussion for the present, and he should take every pains to inform himself fully on the subject, before it should be again discussed. As to imprisonment on board the hulks, that was now very different from what it had been at the time the committee presented its report. By the exertions of a most able magistrate, Mr. Graham, a mode of imprisonment, which was originally most unwise, had become salutary. The convicts were laborious and diligent, and probably did obtain habits of industry during their imprisonment, which would be useful to them when the term of their imprisonment was expired. No establishment could be more economical, for he really believed that, from the value of their works, the establishment supported itself. They were in general reputed to be such good workmen, that the lords of the admiralty had applied to him for the direction of one of their hulks, as they did not think they could find better labourers any where else. He hoped the honourable gentleman would not name a very early day, as he would wish to take time to inform himself perfectly on the subject of the establishment at New South Wales.

Mr. *Frankland* complimented sir S. Romilly for the great attention he had paid to these subjects, and the many important observations he had suggested to the consideration of the House. Agreeing as he did with him in most of the principles he laid down, he wished, however, to allude to the materials that now existed in this country. He thought that names should go but for little; and that a place might be built and called a penitentiary, which would not answer the purposes of one; and, on the other hand a floating prison, called a hulk, might really be called a penitentiary. He praised the regularity and industry of many of the convicts whom he had happened to see, and could by no means disapprove of an establishment which brought convicts to that sort of regularity and industry. He did not know but that the establishment of New South Wales might also act as a penitentiary. If a young lad was sent there for picking pockets, he might be reformed of that crime, by living in a country where there were no pockets to pick. (A laugh.) There was an absolute impossibility of committing in Botany Bay many of those crimes which were severely punished in this country.

Mr. *Wilberforce* admitted that, under the care of Mr. Graham, the hulks were brought to uncommon order and usefulness. But still the penitentiary system was superior to any other that had been devised. The single cause which had left that admirable system still a dead letter, was the difficulty of finding men who would let their ground for the buildings. As to the settlements in New South Wales, the whole had been conducted with an utter neglect of the natural provisions which were most important for a colony. Morals, the great cement of society, were thrown under foot; the government was corrupt, the subjects licentious. For twenty years there was no church in the capital city. But last year a governor was appointed by lord Castlereagh, from whose character the best results might be expected. The penitentiary system was the work of some of the wisest and best of men; of Judge Blackstone, Mr. Howard, and other distinguished persons: and it afforded the fairest hope of reformation among the lower ranks of the people. As for the jail of Newgate, it was a disgrace to the city of London. He was only anxious that some gentleman, with better opportunities than himself, should take up the subject, and he would give all his support to the inquiry into its abuses.

Mr. *Windham* said, that there could be little doubt as to what sort of moral discipline might be reasonably expected from a mere colony of thieves. If the necessary mixture could not be had, it was proposed that penitentiary houses should be established. They had been established. There were numerous penitentiary houses throughout the country. If the error was solely in the management, how were they sure that the erection of new penitentiary houses would obviate such an objection? He, however, did not object altogether to the principle; but if such houses were established upon the plans proposed, he should be very jealous as to the manner in which the religious instruction was inculcated; it might be so done as to generate a sort of mischievous fanaticism superinducing hypocrisy upon their original depravity. This, however, would be a subject for after consideration.

Mr. *W. Pole* would mention on the subject some of those circumstances which had struck him on a similar inquiry in Ireland. For want of transports, the convicts were frequently kept in prison for five or six years. It had been declared by the judges, that those years formed no part of the time of their exile. This induced the benevolent mind of the lord lieutenant to examine into so crying an injustice. An old law was found, which allowed the exile to be transmuted for an equal period in confinement. There were discovered sixty females, in cells of 12 feet square, 10 in each cell. Those women were put into penitentiaries; they became industrious, as they felt the enjoyment of light and air, and food; as they felt the pleasure of honest industry, they grew diligent and honest; work could scarcely be supplied to them sufficient for their new activity, and at the return of every week, there was an additional evidence of the signal power which encouragement and care had in reforming the most abandoned, and cheering the most unhappy.

Sir *S. Romilly*, after a few observations on what had occurred in the debate, stated his intention of withdrawing the motion for the present, in conformity to the advice of some of his friends.—He then fixed it for the 25th of May.

HOUSE OF COMMONS.

Thursday, May 10.

[PETITION FROM READING RESPECTING THE COMMITMENT OF SIR F. BURDETT, &c.] Mr. *Simeon* said, that he had great pleasure in offering to the House a Petition from the borough he had the honour to represent, which formed a striking contrast with some, which, on account of the language in which they had been conveyed, had been rejected. The language of this, though firm as it ought to be, was respectful, and exhibited a good illustration both of the freedom of the constituent and the true character of the representative body, which, as its power was derived from the people, could never be better exercised than in relieving its grievances, and receiving with open doors its complaints, when properly and respectfully conveyed. The petition admitted the right of the House to commit, not only its own members, but also any stranger, for any breach of privilege, where necessity required it; but that such necessity was confined to the case of obstruction merely. The same necessity, in the opinion of the petitioners, did not exist in the case of libel upon the House and its members; and therefore, in their opinion, libel ought not to be punished by the House, but considering that freedom of person and freedom of the press were so essential to political freedom, such complaints ought to be prosecuted at common law, and brought before a jury. Mr. Simeon said, he had the misfortune to differ with the petitioners in this distinction; after the maturest consideration, and looking into the records of the House, and after hearing those able arguments which had employed so much of its time. The House having no public legal organ of its own by which it could prosecute, must depend upon the crown for its permission to direct its Attorney General to prosecute. Pending prosecution, if commenced, the Attorney General might stop the prosecution by *nolle prosequi* at any time, which made the popular branch of the legislature dependent upon the crown, and might be attended sometimes with the danger of compromising part of the liberties of the people, or of the privileges of the House (which was the same thing) as a price of prosecution, or endanger a feeble and inefficacious prosecution by the crown, if it had any interest which was in opposition to the privilege contended for, as might frequently happen. Now, supposing the crown to lend its aid, and to do its duty effectually to the prosecution, the whole must turn upon the construction of the libel by the jury, which might be contrary to that of the House; in which case, the third branch of the legislature, consisting of 658 persons, comprehending as a body the great bulk of the property, talent, and education of the nation, and exercising practically and in effect the largest share of legislation, would be subjected to the judgment of twelve jurymen, whose opinions upon the construction of a written paper might leave the House of Commons under such contamination of character as to expose them to the contempt of the nation, and to the triumphs of the crown. No man had a more ardent love for the trial by jury than he had: considering it as the palladium and shield of the public liberty, and that the freedom of the press was equally essential. The only objection could be a fear of trusting the House of Commons with this power, which, however, it had exercised for near two centuries at least; but considering the trust reposed in the crown, in the exercise of its prerogative, and the trust reposed in the other House of Parliament, which was the ultimate and final court of judicature, binding finally by its decisions the property, the liberties, and lives of the subject; he could not think that the cool and judicious part of the nation would be afraid of trusting to their own elected representatives a power to commit for libel, which, as tending to vilify the Commons' branch of the legislature, undermined the true freedom of the public, and opened the way to all the bloodshed and miseries of anarchy and confusion. He concluded with moving, That the petition do lie on the table.

Mr. *Shaw Lefevre* seconded the motion of his hon. colleague, and said he felt great satisfaction that the petition was so pure, and the language so respectful, as to defy even the most fastidious to raise any objection on that head. If there was any thing exceptionable in the prayer of the petition, another opportunity would occur for its discussion. For the present, he would only say, the meeting at which this petition was signed was called by the mayor; it was most numerously and respectably attended, and the decision was unanimous.

The motion passed, and the Petition was received and read; setting forth "That the petitioners consider it to be one of the undoubted rights of the people to lay before the House their grievances of every kind, and that this right in no wise ceaseth, or is diminished, when the cause of complaint originates within the walls of the House; and that the petitioners have witnessed, with great concern, the commitment of Mr. John Gale Jones to Newgate, and of sir Francis Burdett, baronet, to the Tower, for alledged libels, without any examination of evidence upon oath, and without any trial by jury: far be it from the petitioners to wish to disarm the House of any privilege that serves to maintain its dignity, independence, and just preponderance; but the petitioners have been taught, and believe, that the privileges of the House are not of higher value than the prerogatives of the crown, and that both the one and the other were given solely for the benefit of the people, the ultimate end and object of all good and rational government; and that the two greatest benefits that Englishmen enjoy as a free people are the liberty of person and the liberty of the press: the right of public discussion is the strongest barrier against every species of tyranny and oppression, and if at any time this right be abused for purposes of libel or sedition, these offences are cognizable in the courts of law:—Summary commitments in execution by way of punishment for libel, are considered by the petitioners as an encroachment on the trial by jury, injurious to the liberty of the subject, and the liberty of the press; and that the power of commitment may be necessary for the protection of the House in cases where obstruction is actually given or menaced; but the petitioners are not aware that any such obstruction made the exercise of that power necessary in the cases of Mr. John Gale Jones and sir F. Burdett, or that any mischief or inconvenience was likely to have ensued if their cases had been left to be decided in the ordinary course of law; and therefore praying, that the House will discharge Mr. John Gale Jones and sir F. Burdett from their confinement."—Ordered to lie on the table.

[PETITION FROM READING RESPECTING A REFORM OF PARLIAMENT.] Mr. *Shaw Lefevre* then rose and said that he held in his hand another Petition, which he begged leave to offer to the House. It was voted at the same meeting, and transmitted at the same time with the petition just received, and prayed for a Reform in the representation of the united kingdom in the Commons House of parliament. He moved that the petition be now received.

Mr. *Simeon* seconded the motion; but begged leave at the same time to observe, that although the requisition to the mayor for convening the meeting at which the petitions were voted, had been signed by a number of respectable persons who were voters, yet the meeting consisted of the inhabitants at large, whether voters or not, who were very numerous; so that the voice and opinion of the real electors might be completely drowned by the voice of those who had not the elective franchise, which might mislead the House. There was nothing to guide the House but the names subscribed to the petition, and here there were only twelve names subscribed, though he did not doubt but that there was a numerous meeting, of different descriptions, and many other voters amongst them. Those who had signed were very respectable in situation and character. He had noticed this distinction the rather, because those who were in general the secret engines of these meetings, were desirous, for their own purposes, of bringing in a multitude of persons, whether electors or not, to carry a favourite point; not considering, or else intentionally concealing from the real electors, that it was an act of political suicide on their part to suffer their opinions to be swallowed up by a shew of hands of every person present, of whom, perhaps, nine-tenths might not be voters. This was an intimidation of the real voters, who, perhaps, durst not express their opinions upon popular subjects, urged by artful demagogues, for fear of the multitude that surrounded them. He admitted, and gloried in the admission, that the humblest peasant as well as the wealthiest gentleman should be the object of our care and attention; and that the property, the privileges, and life of the poorest were as much entitled to protection, as the richest: all he meant to argue was, that those who were the legal electors were the constitutional judges of the conduct of their members, and of the representative body which they had elected: and that their political opinions, for the sake of themselves and of their own independence, ought to be kept separate, in order to preserve their character and weight in the constitution; for they would speak with more weight when they were to speak the pure voice of the constituent body.

Mr. *J. W. Ward* said, it was impossible to suffer this petition to pass without some answer to what had fallen from the hon. gentleman. Was it possible that any member of that House could say there was any man in this kingdom who had not as good a right to discuss and to sign a petition of that nature praying for a parliamentary reform, as any freeholder or burgher in the kingdom, however legally authorised? If any one argument could be stronger than another for parliamentary reform in the constitution of that House, it would be the denial of that right to discussion and petition in the persons who are not freeholders nor burghers in corporate towns. Would it be said that the inhabitants of those great and wealthy manufacturing towns, Manchester, Birmingham, and others he could name, had no right to discuss nor to petition parliament for reform, or for any other purpose in which their interests were concerned?

Mr. *Simeon* rose to explain. He had been much misunderstood by the hon. gent. He had particularly guarded against the construction which had been put upon his words; for he admitted in the fullest manner, and rejoiced in the right of every one, even the humblest and lowest subject of the realm, to petition the House upon any subject of grievance, whether he was an elector or not; but the opinion of the real electors upon the conduct of their representatives, or the House, for the sake of their own weight and consequence in the state, ought to be exercised as purely and distinctly as their franchise was exercised in giving their votes for electing a member of parliament; and that those who, for private purposes, called in persons who had no vote to mix in the deliberations of those who had a vote, destroyed or lessened the consequence of the real electors, and wished to govern by a mob. The separation did not deprive those who had no vote of the right to petition, or lessen it. With the greatest respect to the petitioners, he was bound by his constitutional duty as a member of that deliberative assembly, to suspend any opinion upon the important subjects to which it alluded, until after he had heard them debated. Saving, therefore, to himself such opinion as he was bound to form and act upon, after hearing all the arguments that could be urged upon any proposition that might be offered for the public good, he was happy to second the motion for receiving the petition offered by his honourable colleague.

The Petition was accordingly brought up and read; setting forth, "That the petitioners have observed, of late years, and especially during the present administration, an entire difference of opinion between the people and their representatives in parliament upon almost every question of general feeling and national importance; and being sensible how much the stability of our constitution depends upon the restoration of mutual confidence, they sincerely lament that difference, and beg leave to draw the attention of the House to the grounds and causes of it; and that the petitioners believe that the chief grounds and causes of this difference will be found in the very defective mode of representation which prevails at present, in the number of placemen and pensioners that have seats in the House, and in the duration of parliaments; and that it is well known to the House, that many boroughs returning members to Parliament are utterly decayed and become the property of individuals, and are now the subject, like any other property, of barter and exchange; by this means the people find themselves excluded from the share which they ought to have in elections; and a body of men have been introduced into Parliament that are an anomaly in the constitution, being neither called by the king, nor elected by the people; under such a state of things, the petitioners think that no exaggeration which was said in the House by a late distinguished member, "that no honest man can long remain minister of the country;" the petitioners lament extremely, that, in the course of last session, two of his Majesty's ministers were charged with being concerned in the disgraceful traffic in boroughs, and that this practice, although reprobated by the learned and upright Speaker of the House with becoming zeal and indignation, was justified as being as notorious as the Sun at noon day; and that another ground of the constant and growing difference between the House and the people is the number of placemen and pensioners that are permitted to have seats in it, by which the influence of ministers is increased beyond controul:—Upon any other supposition the petitioners cannot conceive it possible that his Majesty's present incapable and arbitrary ministers should be still permitted to carry on the government of the country, after having wasted our resources in fruitless expeditions, and having shewn no vigour but in support of antiquated prejudices, and in attacks upon the liberties of the subject; and that, finally, the bold innovation of septennial for triennial parliaments has not been found to produce the salutary effects mentioned in the preamble of the statute passed in the first year of the reign of king George the First, but has certainly tended to relax the tie, and to set at a wider interval the connection between constituent and representative, so that the same is hardly felt and acknowledged; and that these are the chief grounds and causes of the unhappy difference in opinion and feeling that prevails between the House and the people; and therefore praying, that the House will take into timely and serious consideration the present state of the representation, and will adopt such measures of Reform as may be sufficient to restore to the House the confidence of the people, which is its truest dignity, and to make the House in practice and effect what it is constitutionally, the organ of the sense of its constituents."—Ordered to lie upon the table.

[SIR F. BURDETT'S PROCESS AGAINST THE SPEAKER.] The Speaker acquainted the House, that he was yesterday served with process, in an action at law by sir Francis Burdett:—And the said Paper was, by direction of the House, delivered in by the Speaker, and read; and is as followeth,

" *K. B.* Venire.
" *Middlesex.*—Matthew Wood, esq. and
" John Atkins, esq. Sheriff of the
" county of Middlesex.
" To Henry Beaumont, sen. and Henry
" Beaumont, jun. my bailiffs:

" Summon the right hon. Charles Abbot, " having privilege of Parliament, to appear before the king at Westminster, on " Wednesday next, after fifteen days of " Easter, to answer sir Francis Burdett " baronet, in a plea of trespass on the case " to the damage of the said sir Francis " Burdett of thirty thousand pounds.
" (L. S.) Dated the 9th day of May 1810.
" ELLIS. by the same Sheriff."
" (Endorsed.)—To the right honourable " Charles Abbot.—Served 9th."

Ordered, That the said Paper be referred to the Committee appointed to consider of the proceedings in the matter of sir Francis Burdett.

[SIR F. BURDETT'S PROCESS AGAINST THE SERJEANT.] The Speaker also acquainted the House, that the Serjeant at Arms had been this day served with further process, in an action at law by sir Francis Burdett: And the Serjeant at Arms being called upon, delivered in the said Paper, and the same was read; and is as followeth;

" In the King's-Bench.
" Between sir Francis Burdett, baronet,
" plaintiff, and Francis John Colman,
" esq. defendant.

" Sir; Take notice, that a declaration " against you, as of this present Easter " Term, is filed with the clerk of the de-

"clarations in the King's Bench office, in "the Inner Temple, London, conditionally, until a common bail is filed at the "suit of the above-named plaintiff, in an "action of trespass, wherein the said plaintiff lays his damages at twenty thousand "pounds; and unless you appear, and "plead thereto, in eight days from the "date hereof, judgment will be signed "against you by default. Dated this 9th "day of May, 1810. Yours, &c. JOHN "ELLIS, Plaintiff's Attorney.

"To Francis John Colman, esq.
"the above-named Defendant."

Ordered, That the said Paper be referred to the same Committee.

[CAPTAIN FOSKETT.] Mr. *Lyttelton* rose to bring forward his promised motion, feeling that the thinness of the House was no reason why he should postpone it. His purpose was to obtain certain papers, the production of which he conceived to be necessary; but he declared, that any anxiety he felt for their production, proceeded more from a consideration for the illustrious personage to whom they referred, and from a solicitude for the fairness and character of that House, than from any effect or weight which they were likely to have upon the statement which he was ultimately to make upon this subject. It was not his wish to engage the House in any military discussion, nor to interfere with the proper authority of any military tribunal. With this view he had on the outset narrowed the question to the mere enforcement of military law. He begged therefore to remind the House, that his objection was solely to enforce the execution of the regular established law of the army, and not to legislate for the army. It was much to be regretted, that in the course of the discussion which had taken place upon the admission of captain Foskett's petition, an hon. officer of high rank, (general Craufurd,) had thought proper to throw out some reflections upon the conduct and character of the petitioner, which made it necessary to call for certain documents, in order to prove that those reflections were unfounded. Those papers were several memorials from captain Foskett to the commander in chief and to the adjutant general, together with the replies from these officers, and also from the duke of Cumberland. Copies of all these papers were already in his hands; and upon the opinion of some most respectable officers, whom he had consulted, he was authorised to state that they fully sustained the charge advanced by captain Foskett. But he wished to have them officially laid before the House. If this proposition was objected to, what was the inference? Can gentlemen be unwilling to publish the statement of the duke of Cumberland in his own defence against the charge of captain Foskett? Would these gentlemen have it supposed that a prince's defence of himself was good for nothing, or unfit to meet the light? If it were his object to criminate that illustrious personage, he could not require a greater concession than the withholding such papers would imply. But he had no such object. The only use he meant to make of the papers he alluded to, would be of a defensive nature, for the vindication of captain Foskett; but they should not in any degree tend to induce him to vary the motion he had originally proposed to bring before the House. The hon. member concluded with moving for official copies of the documents he had mentioned, which had passed from the 14th of May, 1806, to the 12th of Feb. 1810.

Mr. *M. Sutton* objected to the motion, because he did not think that any fair ground for the production of the documents referred to had been stated. The main object of the petitioner was to fix upon the commander in chief the direct breach of the law. But if it were meant to ground that charge upon the refusal of promotion, and that the offices were to be ransacked for the production of papers to make out such a charge, he submitted to the serious consideration of the House, that admission of such a precedent must tend to interfere with the whole system by which the army has been so long and so advantageously governed. This motion confessedly arose out of the incidental observation of an individual in the course of a former debate, and was that a ground for calling for papers, which, according to the confession of the mover, were irrelevant to the ultimate object? The complaint against the commander in chief for the non-execution of an article of war, was the professed end of the petition. But how did the case stand? The petitioner made various complaints. He first stated that an attempt was made to promote a junior officer, but that that attempt was not carried into effect in consequence of the interposition of the commander in chief; next the petitioner complains that he was not allowed leave of absence when required. But was it not surprising, that an officer who had been 14 years in the army, should make that a ground of complaint, or was the idea to be sanctioned, that that which was merely matter of courtesy, should be claimed as a matter of right? Was it possible that any gentleman acquainted with the conduct of the army, or competent to judge of the principles upon which it ought to be governed, would plead for the propriety of interfering with the discretion of any military commander, upon a question of this nature? The next ground of the petitioner's complaint was, that he was left at home, when his regiment was sent to Spain. But was it not according to the established practice of the army upon such an occasion to commit the depôt for recruits at home to the care of some old and experienced officer, who was, of course, to be selected by the colonel? Of this appointment, however, captain Foskett complained, and in consequence another officer was appointed in his place and he was to have gone to Spain, if the regiment had not been ordered home. Thus then it appeared, that every complaint put forth by the petitioner had been redressed, save that only which related to the conduct of the commander in chief, particularly in the promotion of another officer, to which promotion the papers moved for could have no reference. With that promotion, however, he presumed the House would ever be cautious of meddling, for it rested upon a principle essential to the encouragement of merit, namely, that of promoting merit wherever it was to be found, even though it was not recommended by seniority of standing in the army. He trusted, indeed, that the House would pause before it attempted to interfere with the allowed exercise of the commander in chief's discretion upon such a subject. For it could never be deemed discreet, or at all admissible, that that House should be made the tribunal of appeal for any officer who thought himself entitled to promotion, or that complaints should be encouraged against that authority in which, according to the long-established practice of the army, the right of disposing of such promotion was vested.

Mr. *Abercromby*, though he could not concur in the sophistical arguments resorted to by the right hon. gent. who last spoke, yet concurred with him in the justness of one of the conclusions drawn from them, that the House ought not to consent to the production of the papers moved for by his hon. friend. When the question for bringing up the petition was debated as it had been, he left the House under a conviction that if the House would permit its being brought up, they would not agree to its lying upon the table; in that expectation, however, he was disappointed, and he must say, that the House in allowing a petition of that nature to lie upon the table, had taken a step inconsistent with the strict line of their duty. He thought it altogether a new doctrine that this House was bound to interfere in questions of military government between the army and the executive: he warned the House to beware of any proceeding that could possibly admit the construction of any attempt on their part to wrest from the executive that power, which constitutionally and properly belongs to it; nothing would tend more effectually to relax that discipline that was so essential to the army, as the wresting from commanders in chief all discretion whatever: however beautiful the theory, that promotion should be regulated by seniority, nothing would be found more ill-judged in practice than a strict and unqualified adherence to such a rule. Even admitting the alleged breach of the articles of war; still, he contended, that that was no ground for that House assuming to itself the right of judging and determining upon such a charge; as the party aggrieved had another quarter to apply to for remedy and redress. With respect to the duke of Cumberland, he thought him placed in a situation unprecedentedly severe, in consequence of the House agreeing to receive the petition in question, because there remained upon their journals a record of grievances imputed to his royal highness, which the House refusing to go further into, must leave uncontradicted on their journals. He should vote against the motion.

Mr. *H. Martin* thought that now the House had received the petition, they were bound in common justice to the petitioner, to give him every opportunity to substantiate the allegations contained in his petition.

General *Craufurd* contended, that dangerous effects were to be apprehended from the interposition of the House in a question of the nature of that before them. With respect to the papers moved for, they were acknowledged to be not necessary to make out the case of the petitioner. Here then the chief, if not the only reason for their production, had been given up; and it would be found, that the more the proceedings in this business assumed a detailed form, the more inconvenient and objectionable they would be. This, however, he would say, that the defence of the duke of Cumberland could be rested, without any apprehension of the result, upon an ample admission of the facts themselves. Here the gallant officer went into a detail of the grievances alledged to have been suffered by captain Foskett, and proceeded to argue, that, upon the petitioner's own shewing, they were nugatory and groundless. With respect to the charge of obstructing the promotion of captain Foskett, he denied, in the first instance, that seniority of standing invariably gave right of promotion; it gave a claim, the strength of which, however, might be either confirmed or destroyed by the merits of the individual, of those merits the commanding officer of the regiment was to judge. This discretion could not be withheld without doing incalculable mischief to the army; this then brought the question to the justice of captain Foskett's military pretensions. Col. Seymour had given his royal highness the duke of Cumberland his opinion of those pretensions, and this opinion was not a favourable one; captain Foskett had not discovered much knowledge of his profession in the discipline and conduct of his troops. He was not considered as a good cavalry officer. Col. Grant, than whom no man was a better or more candid judge, had declared that capt. Foskett's troop was in so bad a state of discipline, that it would be necessary to break it up: this was the opinion of col. Grant, one of the best field officers in England, or perhaps in Europe: There were upon the same ground objections to the propriety of letting capt. Foskett go out to Spain. Another serious ground of complaint was, the duel; the circumstances of which he deemed atrocious. The eldest captain in the regiment (captain Foskett) went out as a second to a junior officer, a boy of 19 years of age in a duel, between him and another boy about 17, the cornet and lieutenant; they fire three shots each, and then after having done so without effect, an agreement is made that they should advance towards each other a pace each shot; in the next fire, lieut. Wallace (he believed) was in the act of setting a hair trigger, when his pistol went off, and this was insisted upon as a shot, and he was obliged to stand as a log of wood to be fired at with hair triggers in a duel! Now, he (gen. Craufurd) thought, that the second who permitted the setting of hair triggers in a duel, deserved to be hanged upon the spot. And yet the man who had seconded in that duel complained of being barred of promotion. Had such a thing happened in his regiment, he would have brought the officer to a court-martial, and have rejoiced at his been cashiered for the same offence. With respect to the charge of blasting the future prospects of capt. Foskett, he denied that that could have been the intention or the wish of either the commander in chief or the duke of Cumberland, as capt. Foskett had been offered a majority in another regiment. As to the exchange, where such a circumstance happened between two officers of different regiments with the approbation of their commanding officers, the juniors in each had no ground for complaint, for they remained as they were. He justified the conduct of the commander in chief in not laying the memorial before the King; first, because he had no grievances to state, and next, that if he had, he had also a discretion to judge of the necessity of laying them before his Majesty. Another fact he was anxious to state was this, that the commander in chief had offered captain Foskett a majority in a regiment then serving in Portugal, his answer was, that he sought for redress and not for promotion: this was the answer of a man complaining of his having been debarred from the service of his King and country, and professing his earnest anxiety for such service. He did not believe that there was another officer in the army who would have given such an answer to such an offer. He concluded with expressing his conviction, that capt. Foskett had been treated by the duke and the commander in chief with unprecedented lenity, forbearance, and moderation.

Mr. *J. W. Ward* thought the speech of the gallant officer as far as it went rather an argument for the production of the papers than against it. He, however, agreed, that the House could not be too cautious in interfering in cases of that kind. He at the same time thought, that the case of capt. Foskett was one of very considerable hardship, and one that reflected any thing but honour on the illustrious personage concerned; nor had that hardship been lessened by the sort of speech that had been delivered by the gallant officer. (Hear!) Individual grievances, however, must fall before the paramount plea of the public interests. If they heard this complaint, they would have 50 similar ones preferred to them, and they should get another House of Commons to do the business of the country, while they would be engrossed in military inquisitions; besides, he thought, the practice would have the effect, by frequent interference, of considerably relaxing the discipline of the army, by holding out inducements to discontent; for these reasons he must, with great reluctance, vote against the motion.

Sir *J. Pulteney* insisted, that the case of the petitioner was not a case of hardship, because nothing had happened which was not consistent with the rules and practice of the army. If the feelings of the royal person alluded to were to be consulted, he was sure that he would wish the papers to be produced; though, for himself, he could see no benefit that could result from their production. It had been asserted by an hon. member (sir F. Burdett) last session, that there had been a greater number of punishments in the 15th dragoons since the duke of Cumberland had the regiment than before. He had disbelieved it at the time, though not acquainted with the facts, but on inquiry since, he had found that the punishments were fewer since his royal highness has had the regiment than before.

Mr. *W. Smith* thought it rather unfortunate that the House had entertained this question, because blame must be imputed to one or other of the parties. By the conduct observed towards capt. Foskett, it was not only the individual but every junior officer of the corps (men who must be taken to be unquestionably innocent and honourable), whose promotion was stopped. He agreed, however, with his friend behind him (Mr. Ward) that much inconvenience would result from entertaining a question of this kind. He did not, nevertheless, mean to say, that no case of this nature should be brought before the House. This gentleman complained not of any one act, but of a series of injuries, any one of which might not amount to a serious injury *per se*, but all of which having successively happened, shewed the *animus* with which capt. Foskett had been treated. He wished to know how, if no court martial should be granted to him, nor the commander in chief make a report to his Majesty, any officer of inferior rank could have his injuries redressed?

General *Phipps* observed, that as capt. Foskett had been offered promotion in another regiment, no injury had been sustained by him, and consequently the charges against his royal highness were unfounded.

Mr. *Whitbread* observed, in reply to the assertion, that since the duke of Cumberland had the command of the 15th regiment, the infliction of punishment had considerably diminished, that he had also made his inquiry, and the result was, that there was no such diminution of punishments, but, on the contrary, they had increased, and, until very lately, the practice of picquetting, a practice wholly discontinued in the service, was carried into effect in that regiment. The hon. general (Craufurd) had thought proper, in vindicating the conduct of the duke of Cumberland, to indulge in the strongest aspersions against capt. Foskett. He charged that officer with conduct, which not alone affected his character as an officer, and as a man of sense, but as a gentleman. The gallant general said, that capt. Foskett had no grievance to complain of; that his own actions were the causes of the impediments to his promotion; and that in respect to the promotion that was denied him, and his detention at home when his regiment were in Spain, they were both attributable—the first to his being reported a bad officer, who had been guilty of atrocious conduct; and the last to the ineffective state of his troop. After such aspersions cast upon that officer, would it not be an act of crying injustice to refuse the papers for which the hon. mover had called? If it was in the power of the gallant general to prove his statements, what objection could he have to the production of the whole of the evidence? But if the gallant general thought that papers should be refused, why, in God's name, did he enter so uncalled for, and unnecessarily, into an attack upon the character of capt. Foskett, at the very moment that he declared his intention of opposing that motion, which went to afford that officer the opportunity of proving the truth of those allegations of systematic oppression which he had brought against the royal duke. Suppose that gallant general had been assailed, unjustly assailed as it would be, for any part of his conduct when with the allied army; suppose that not only his professional conduct was attacked, but that his private honour was impeached, with what feelings of indignation would he himself view any ~~proceeding~~ which went to deprive him of the opportunity of defence; which went to allow his enemies or their advocates to indulge in the most acrimonious aspersions on his character, at the same time that it denied to him the means of proving that the conduct of his accuser was the most malignant and reprehensible? The inconsistence of the gallant general's reasoning was most observable. Captain Foskett, he said, was an officer whose general conduct was not good, but who so managed as to keep within the circle which kept him safe from a court martial, and yet almost in the same breath he arraigned that very officer for his conduct on the duel; conduct for which the gallant general would have brought him to a court martial. Thus, according to such reasoning, capt. Foskett, though a bad officer, contrived to keep so within the line that he could not be brought to court martial, although he was guilty of this alleged atrocious conduct, for which, if in his regiment, the gallant general would have brought him to trial.—To the principle, that the House should not lightly or rashly enter into investigation of military concerns of this kind, he most readily subscribed, at the same time that he thought it their duty to redress grievances, where redress had been repeatedly refused in those quarters constituted to afford it. The hon. judge advocate had remarked that capt. Foskett had evinced no overstrained delicacy; without considering the propriety of that delicacy which might be termed overstrained, he would say, that that officer had shewn no want of delicacy, and from the length of time which he remained silent under his heart-breaking wrongs, he proved himself a man of considerable temper. When he heard the gallant general so philosophically talk of the moderation and tenderness with which capt. Foskett was treated, he was reminded of one of the most atrocious murders which disgraced the annals of human nature—it was that committed by Charles 12 on the gallant and patriotic col. Patcul. When that gallant man was leading to the stake to be broke alive on the wheel, he was told that his majesty had remitted a part of his torments: his exclamation in reply was—"Oh! what clemency!" So could capt. Foskett exclaim, when his character was assaulted, his honour aspersed, and his reputation almost broken on the wheel, and even heard his oppressors or their advocates talk of the kindness and the tenderness with which he has been treated.

The *Chancellor of the Exchequer* defended the conduct of the duke of Cumberland, and contended that capt. Foskett had suffered no injury, and that neither the duke of Cumberland nor the commander in chief had violated the 12th article or any article of war in his case.

Mr. *Lockhart* thought that the matter of the petition related almost entirely to the commander in chief, and not to the duke of Cumberland, against whom the complaint was made, and whose name had been so frequently introduced in the debate. He could not avoid stating, that it appeared to him rather extraordinary, that this petition should have found its way into the different public papers, almost as soon as it was presented to the House.

General *Loft* opposed the motion, upon the ground that capt. Foskett had not taken the steps which he ought to have adopted for the attainment of redress.

Mr. *Lyttleton* said, that he was determined to defend the character of the gentleman, who had placed in his hands the subject of his complaint, and who depended upon his exertions for redress. It had been said, that many allegations introduced in the petition, were unnecessary and improper. He was not responsible for the allegations contained in the petition, but he wished that the House would allow him to go into evidence upon the subject. He denied the probability of the statements made by the gallant general respecting the duel in which capt. Foskett was concerned; and conceived that the gallant general ought to bring forward his authorities upon a subject of so important a nature, both to the character of capt. Foskett, and to the party of whom he had complained, He concluded with observing, that if the papers were not produced, there existed no chance of a fair elucidation of the subject. If those papers were studiously suppressed, the consequence would be most prejudicial to the cause of the duke of Cumberland, instead of producing any possible service.

The House then divided, when there appeared, for the motion 8. Against it 84. Majority 76.

HOUSE OF LORDS.

Friday, May 11.

[POOR CLERGY.] Lord *Holland*, on the subject of which he had given notice, entered into a detail of considerable length, for the purpose of shewing that the first fruits and tenths, which were now paid on the value of benefices, as ascertained in the reign of Henry the VIIIth, ought to be re-valued, so as to bear a proportion to the present value of benefices, and rendered available for the purposes of Queen Anne's Bounty to improve the situation of the poorer clergy. His lordship referred to several acts of parliament, beginning with the 26th of Henry VIIIth, which first vested the first fruits and tenths in the crown, and proceeding to the act of the 2d and 3d of Anne, which appropriated the first fruits and tenths to the fund known by the name of Queen Anne's Bounty, contended that it appeared from all these sources, and also from a subsequent act of George Ist, that the power still remained in the crown of issuing a commission for the purpose of ascertaining the actual value of benefices, with a view to the first fruits and tenths derivable from them. To resort to this mode would, he contended, be greatly preferable to adding to the burthens of the people by appropriating 100,000*l.* to Queen Anne's Bounty. There would not at the same time be any injustice in such a measure towards the church, as what was thus taken would still be appropriated to the support of the church. The estimated annual value of the property of the church was about 3,000,000*l.* The sum required to increase all livings under that sum to 100*l.* or 105*l.* per annum, was about 100,000*l.* and to increase them to 150*l.* per annum, would require about 240,000*l.* It was evident therefore, that the first fruits and tenths taken upon the actual value of bnefices might be rendered available for all the purposes of Queen Anne's Bounty. It was, however, no part of his plan that this fresh valuation should attach upon the present incumbents, but upon their successors. His lordship concluded by moving eight resolutions, the first six stating the acts of parliament which related to this subject; the seventh declaring, that by law the power still remained in the crown; and the last, moving an address to his Majesty to carry the law into execution, by issuing a commission to ascertain the whole and entire value of all benefices. He also moved for a return of the churches consolidated under the acts of the 37th Henry VIIIth, and 17th Charles IId, and for an abstract of the returns made by the bishops respecting the value of benefices in their dioceses.

The Archbishop of *Canterbury* denied that the law remained as stated by the noble lord, and quoted a clause in the act of the 2d and 3d of queen Anne, referred to by the noble lord, in which it was enacted, that the payments of first fruits and tenths should thereafter be the same as had heretofore been paid.

The *Lord Chancellor* was not quite clear as to the meaning of this clause, thinking it might refer to commissions issued by the crown for ascertaining the value of benefices; but supposing that to be law which was stated by the noble lord, he thought it ought to be repealed, as a most vexatious system, and it being at the same time impossible to make such a valuation, which must be annual, in order to ascertain the tenths. Not conceiving it necessary, therefore, to declare the facts contained in some of the noble lord's motions, as he could not agree to the plan proposed, he therefore moved the previous question.

Lord *Grenville* was clearly of opinion that the clause quoted by the most reverend prelate was decisive on the point, as he thought it must have been in contemplation at the time the act passed, as what was likely to be the amount of the fund called queen Anne's bounty, and that therefore the clause was introduced to settle the amount of the payments of first fruits and tenths. He differed in opinion with his noble friend, as to the expediency of the plan which his noble friend had proposed, and objected particularly to the tax of first fruits, which he thought bore particularly hard upon those preferred to benefices, who were necessarily put to great expence in the first year of their preferment.

The Earl of Harrowby and Lord Redesdale agreed in opinion with lord Grenville.

Lord *Holland* was not aware of the clause quoted by the most reverend prelate, and which he thought, as far as he was enabled to judge from merely reading it at the moment, decided the point. He therefore withdrew his eight motions. Of the other two motions, the first was, after a short conversation, also withdrawn, and the other was negatived.

HOUSE OF COMMONS.

Friday, May 11.

[SIR F. BURDETT'S NOTICE TO THE EARL OF MOIRA.] The Speaker acquainted the House, that he had received a Letter from the earl of Moira, Constable of the Tower, the contents of which related to his having had notice of a suit instituted against him by sir F. Burdett. And the said Letter was thereupon, by the direction of the House, read by the Speaker and is as followeth:

"St. James's Place, May 10th, 1810.

"Sir; Mr. Garrow, my counsel, having "represented it as incumbent on me to "impart the circumstance, I do myself "the honour of informing you that I have "had notice of a suit instituted against me "as Constable of the Tower by sir F. Burdett, on the ground of illegal detention. "—I beg leave to explain, that, by this "communication, I do not mean to solicit "your intervention: for I have directed "my solicitor to defend the action, resting "myself upon the Speaker's Warrant and "instructions from the Secretary of State. "I have the honour, Sir, to be with great "respect, &c. MOIRA."

"The right hon. the Speaker of the "House of Commons"

[PROCEEDINGS RESPECTING SIR F. BURDETT'S NOTICES.] Mr. *Davies Giddy* reported from the Select Committee appointed to consider of the proceedings had and to be had with reference to the several papers signed "Francis Burdett," the contents of which related to his being apprehended and committed to the Tower of London, and which papers were communicated to the House by Mr. Speaker upon the 13th and 17th days of April last; and to report such facts as they may think necessary, together with their opinion thereupon, from time to time, to the House; and to whom the matters stated by the Serjeant at Arms attending the House, and the process served upon him in an action at law by sir F. Burdett; and also the summons served on Mr. Speaker and the notice of declaration delivered to the Serjeant at Arms at the suit of the said sir F. Burdett, were referred; That the Committee had considered the matters referred to them, and had directed him to report the same, as they appeared to them, to the House.

The Report [a copy of which will be found in the Appendix to vol. 17, p. lxxxi.] having been read,

Mr. *D. Giddy* said, that before he moved that this Report be laid upon the table, and also that it be printed, he thought it right to state his intention of moving, for certain reasons, to have it taken into consideration *instanter.* There were, according to his judgment, three modes of proceeding in cases of this nature, from among which it would be for the House to select the one most congenial with its view of expediency. The first was, to issue some process which might serve as an inhibition to prevent the courts of law from proceeding at all in actions under consideration. But he did not understand that there was any precedent for such a course. As to the second mode, namely, that of committing all the persons concerned in bringing or promoting such actions, he conceived that there was a variety of precedents in support of the power of the House so to commit if it thought proper. The considerations of expediency, however, alluded to in the Report, and the attorney alone being at present engaged, were against the adoption of this mode. There was, then, only one mode remaining, and that was to plead to the actions, and let the parties sued shew to the court, that the acts complained of were done in consequence of the privileges of that House. If the House should think proper to allow the Speaker and Serjeant to plead, it would then have to consider what sort of plea should be put in; whether a plea in abatement, or a plea in bar. If the former, which would involve a denial of the jurisdiction of the court, that plea must be put in the next day, of course, no time was to be lost. It was necessary, indeed, that proper measures should be promptly taken, and this necessity called for the immediate consideration of the Report. The hon. gent. concluded with moving, That the report do lie on the table.

Lord *Milton* felt it impossible to sit silent after hearing the report which had been just read. What! that the Speaker should be advised to appear in a court of law to defend an act done as the organ of that House—of the representatives of the people of England! If this advice were acceded to, and that the court should go on, that it should enter into the action, in what a state would that House be placed? It would be defending itself in a court from which an appeal would lie to the House of Lords, and thus it might happen that the privileges of that House would be decided upon in the other House of Parliament. He conjured the House to pause before it became liable to a consequence so much to be deprecated. Would the House be contented to place itself in such a situation? Would it be willing to go back a century in its consequence? Would it, after the decisive victory it had obtained in the Aylesbury case, consent to surrender its dignity and power by surrendering the means of their security, by committing their defence to a court of law? Was it to be endured, that the privileges of that House should be tried, perhaps overturned, by the decision of the court of King's bench? While he opposed such a proceeding, he protested against the other alternative of committing the parties concerned in bringing the actions which gave rise to this discussion. Indeed, there was no other party to which such an order could apply, but the attorney. But it would be improper, in his judgment, to adopt either alternative. The House should not at all submit to have its privileges brought into discussion in an inferior court. If one privilege was to be so discussed, then another and another would be questioned, until all the power of the House would be put to hazard if not overturned. In fact, he did not see the necessity of taking any step whatever in this case. If it were said that by taking no step the parties sued would be left undefended, he would answer no. That House had always the power to defend its privileges, and its officers against any violation from any quarter whatever, and if it took no step whatever in this instance, it would be in no worse situation than it was at present. By these observations he wished to guard the House against the monstrous lengths to which it might be carried, if it submitted on this occasion to give up the privileges which could alone render them an efficient body. Here the noble lord took occasion to advert to the phrase of "illegal privileges," which he observed had been just repeated by his noble friend near him (lord Folkestone). Was not his noble friend aware, he would ask, that the law of parliament was a part of the law of the land; that it was as much a part of that law as any of the common law; aye, or of the statute law either; he felt most strongly that any abatement of the privileges of that House, which formed such a material part of the law of parliament, could not take place without a general deterioration of the constitution. The noble lord then exhorted the House to guard those privileges entire and unbroken which were so essential to the liberties of the people, and to the protection of the House itself against the prerogative of the crown. Let gentlemen consider that if the slightest invasion of the privileges were admitted there was no knowing where it would stop. The barriers once broken down, it was difficult to say, how far the invaders would proceed. But while he was thus tenacious of the privileges of the House, let it not be supposed, that he would be any advocate for their abuses in the opposition of individuals. He was not however prepared to say, that the charge of abuse or injustice applied to the case which gave rise to this discussion. The noble lord concluded with an appeal to the House not to endanger the best bulwark of the constitution and of liberty, by acceding to the recommendation of the honourable mover, by submitting the privileges of that House to be tried in an inferior court. He fervently prayed that providence might avert from the House the consequences of such a decision.

Lord *Folkestone* had not intended to trouble the House at this time, but from the allusion to an expression from him overheard by the noble lord who spoke last. He did contend that there might arise a state of things in which their privileges might be disputed in a court of justice. If they went the length to which the arguments used on this occasion seemed to go, and if they would justify every exercise of power for which they could find a precedent, then they might do whatever they pleased, and the person suffering under their act could have no remedy. To exemplify to what length this might be carried, he would suppose an extreme case, for it was by supposing extreme cases alone, that principles could be tried. Suppose, founding themselves on precedent, they should commit a person for a limited time, was it to be contended, that the subject could have no remedy against this arbitrary measure? Suppose they were to fine or to pillory a person, should the person aggrieved have no remedy? Suppose they had chosen to punish Mr. Gale Jones, as they had once punished a person, by putting him on horseback, with his face to the tail, thus conducting him to Charing-cross, and after having put him in the pillory there, committed him to Newgate for life; could not that exercise of power be legally disputed? If they chose again to exercise this right, it was monstrous to contend that they could thus treat any man, without being amenable to a court of justice. And yet it would be the case, were they to plead against the jurisdiction of the courts in preference to putting in a plea in bar. With regard to the Report, he lamented that ever a Committee had been appointed to give their opinion on this subject. He wished it had been left to the course of law, without the interference of the House at all. He did not, however, quarrel with the Report; though it appeared to him to be deficient in that species of information which the House most required from the Committee. It produced a case in the 3rd year of Charles the 1st, which went directly against the opinion it recommended; for in this case the House had altered its course, owing to proceedings in a court of law. The bill of rights had been often referred to during these discussions, and particularly that passage which declared that the proceedings of parliament were not to be questioned out of parliament. But the case before them had nothing to do with what was done in, but what was done out of parliament. He maintained that it had not; for what had the breaking open of sir F. Burdett's doors to do with what was done in parliament? The Report, in stating the case of sir John Elliot, &c. had omitted a very material part of that case, namely, that the House of Commons, not content with their own declaration, and the declaration of the House of Lords, against the decision of the court of King's bench, had brought a writ of error into the House of Lords, to have the sentence pronounced, reversed. This proved that the House of Lords had been called on by the House of Commons itself, to decide on its privileges. The Report also stated the case of sir Frances Pemberton; and he was surprised that, after the consideration of that case, any man could wish the Speaker to plead against the jurisdiction of a court of law. It was held in that case that if the Speaker pleaded the court was to consider, not the privileges of the House of Commons, but, whether the person against whom the action was brought had acted according to these privileges? He held that the privileges of the House were known to lawyers; and though the opinion of lord Coke was often quoted, to shew that they were known to but few parliament men; yet lord Coke in an after-passage, explained the reason of this to be, that few persons would take the trouble to learn their nature and extent, but any one might do so who would take that trouble. He approved of the suggestion, that the Speaker should plead to the court in bar of the action now brought against him.

Mr. *Whitbread* observed, that the plain question before them now was, whether the Report should lie upon the table? and he would have interrupted his noble friend, to remind him of this, but from a desire not to break in upon his speech. He was averse to this premature discussion, and thought the right hon. the Chancellor of the Exchequer, and his friends, who had brought them into their difficulty, ought to state their opinions, and not now be allowed to gather from the feelings and borrow from the intellects on the other side, the mode in which they might procure a vote to bear them through. He wished to confine the present discussion to the point of order, and on the ulterior course of proceeding, before they gave their opinions on his side of the House, he thought it necessary that they should wait to hear what the chairman of the Committee had to propose.

Mr. *C. W. Wynn* agreed with the last Speaker, that a premature discussion of any of the points connected with this subject was to be deprecated, but it was impossible to sit still or suffer any other subject to intervene, after hearing the very extraordinary doctrines advanced by the noble lord behind him (lord Folkestone.) In opposition to that doctrine, he held, that all the privileges of the House must be discussed in the House, and no where else; and that when they first departed from that, their ruin began. The noble lord supposed extreme cases—but he saw nothing contrary to reason in the House having the power to fine now, as they had in the year 1669 fined White 1,000*l.* The only thing to be considered was the time when it was proper to exercise these rights. He denied that the court of King's bench could interfere to remedy any abuses that might be committed by the House. It was the opinion of Mr. Fox, that it was the most absurd thing possible to argue from extreme cases, in discussions on a subject like the present, since, by the nicety with which the component parts of the constitution were balanced, and their action upon each other, all extreme cases were prevented. For instance, the King might order the first regiment of Guards to go into the House of Lords, and take their seats as peers; but the other branches of the constitution would soon remedy this extreme exercise of the power of the crown. He laid it down as a first principle, that the high court of parliament was the source of power. As all human institutions were liable to error, they might act wrong; but it did not, therefore, follow, that there could be an appeal to an inferior court. Do as they pleased, there must at last be a power in the state, against which there could be no appeal; and as well might the noble lord talk of referring to a quarter sessions to reverse the decisions of the court of King's bench, as of referring to the court of King's bench to reverse the decisions of the Commons' House of Parliament. Should any judge entertain an action against their privileges or proceedings, he was amenable to them, and liable to be punished on the bill of rights. The hon. gent. then alluded to the precedent established in the instance of his excellent ancestor, sir William Williams, against whom the court of King's bench gave judgment; but which judgment was immediately afterwards reversed by the House, and 8,000*l.* ordered to be repaid to sir William, out of the public money. In the first instance, however, the money was directed to be paid by the attorney general sir Robert Sawyer, who opposed this; and, through his interest, the bill was lost, after a second reading in the House of Lords. Another action was brought against sir William Williams, by lord Peterborough, for *Scandalum Magnatum;* but this was afterwards compromised. Would they, on these precedents, decide that that House should submit to be tried by an inferior court? Neither could they do so, on the precedent in the case of Topham, &c. in which parliament was prorogued, during the time the Serjeant-at-arms was in the country, executing his warrant. Verdon called witnesses to prove, that force was used every time he mounted his horse; and it was for the assaults committed by the Serjeant, after the power from which his warrant was derived had ceased to exist, that the action against him was carried into court.

The *Attorney-General* applauded the hon. gentleman who preceded him, for his manly answer to the arguments of the noble lord, and for his excellent and constitutional exposition of the privileges of parliament, with every word of which he perfectly agreed. The argument of the noble lord was founded on this, that there might be an abuse committed by the House of Commons, against which there was no remedy. While men were men, it was true, error could never be eradicated; but carry the noble lord's principle, on this subject, a little further than he had done, and see to what consequences it would lead. Suppose all the courts in the country should abuse the law.—Suppose the court of Common Pleas, from some secret corruption, should decide, contrary to law, to the oppression of an individual—he appealed to the court of King's bench, which (he hoped he should be pardoned for using such a supposition, even for sake of argument) partaking in the feelings of the other court, should come to a similar decision. From thence the wronged suitor carried his cause to the House of Lords, whose judgment was ultimate and decisive, and they, influenced by the general corruption, should confirm the iniquitous verdicts of the inferior courts. Supposing all this, he would ask, what remedy the suffering individual could have? He acknowledged that no court, that no country could exist where such profligacy prevailed; but because an extreme case of abuse of privileges might take place, could it thence be argued, that, therefore, such privileges ought not to exist at all? Could this argument be sustained, it would not only put an end to the privileges of the House of Commons, but to all powers of judicature, and the privileges of every other court. He again warmly commended the arguments of his hon. friend who had well contended, that as well might the quarter sessions be appealed to, to decide against the court of King's bench, as the court of King's bench to exceed its legal constitutional limits, and controul the House of Commons. The House was the sole and ultimate judge of its own privileges and of their extent. No court had any jurisdiction to decide on their existence or extent. They were to be judged by this House alone. No other body had the power to decide. Not but that their privileges might be incidentally brought before another court, which court, however, could not look to their privileges, but to their decisions upon them. It was by these that the court would be bound to decide.

Mr. *Ponsonby* conceived the question then before the House to be, whether the Report of the Select Committee should be laid upon the table. He wished that hon.

members who had hitherto spoken upon it had considered that such was the question, and not strayed from it to speak upon that which was essentially distinct from it. He was against the appointment of the Committee, and thought that the laying that Report upon the table, would have as much effect upon the great question of their privileges, as if he threw his hat upon that table. He would vote that the Report should be received; and he hoped that when that motion should be carried, as he supposed it would, that the minister would muster up resolution enough to state to the House what would be the next course he intended to pursue.—The motion that the Report do lie on the table was then agreed to *nem. con.*

Mr. *D. Giddy*, in pursuance of the task imposed upon him, rose to propose another motion to the House. He had hoped, however much the gentlemen opposite had differed in opinion respecting the appointment of the Committee, yet that when it was appointed, by a great majority of the House, they would have contributed by their assistance and advice to direct the course which the public good rendered it most expedient to pursue. Disappointed in that hope, he still thought that when the Committee had made their Report, these gentlemen would not have looked on as indifferent spectators of the difficulties in which they considered the House to be involved, or have deprived the House of their assistance in this momentous question. The hon. gent. then repeated the statements he had made in his preceding speech, relative to the three modes in which the House might act, declaring, as before, that he should have preferred proceeding by inhibition. He noticed, in answer to a noble lord (Milton) that the consequence of not appearing to this action, which was brought against Mr. Abbot, as an individual, by name, and not in the character of Speaker of the House of Commons, would be, that the court, unapprized of this circumstance, and of their privileges being involved, would permit the action to go on. Were the House to adopt the second course, and commit the solicitor, &c. others, if not the persons committed, would go on with the action to an unlimited extent. There was then no other course but to go into the court, in a certain degree, in so far as to state, that the privileges of the House were concerned in the action. Under these considerations, and for the reasons he had already given, preferring the plea in bar, to the plea in abatement, he would conclude by moving, "That the Speaker and Serjeant be permitted to appear and plead to the said actions." The noble lord had recommended that they should take no steps at all; but if this advice was taken, the consequence would be, that the Court would proceed with the cause, and judgment to the full extent of the damages laid would go by default.—If the gentlemen opposite condemned the steps now recommended, they ought, as members of Parliament, not to wrap themselves up in silence, but, for the good of their country, state what course appeared in their judgments to be better. They might say the House was under difficulty, and he was free to confess they were; but it was a difficulty not arising out of the case itself, but out of the imperfection of the constitution, in not anticipating and providing against so extreme a case.—(Hear, hear, from the Opposition side.)—He repeated, that it was an imperfection, not to foresee and provide against the extreme case of an individual so daring as to resist the authority of the House of Commons. But it was not, as gentlemen who cheered him might contend, at all dependent upon this particular case. Last session these gentlemen were not sparing of commitments; and similar resistance and similar legal proceedings might have arisen out of these as out of this; the same difficulty would have ensued. Therefore, it did not depend on the committal of sir F. Burdett, but on the nature of the thing itself. He concluded by moving, "That it is the opinion of the House, that Mr. Speaker and the Serjeant be permitted to appear and plead to the said Actions."

A question being put from the Opposition side of the House, as to what was the subsequent proceeding he had to propose, Mr. Giddy stated, that, if his present motion was acceded to, he would then offer another, "That the Attorney-General be directed to defend Mr. Speaker and Serjeant against the said Actions."

Mr. *Ponsonby* understood these motions to be made in concurrence with his Majesty's ministers, and in conformity to the opinions they entertained on this subject. He wished to know if he was correct in this supposition, and that the course proposed was that which they would recommend to the House?

The *Chancellor of the Exchequer* in reply said, he had no hesitation in answering this question with a decided yes; would the right hon. gent., had he put the question to him, have given a similar answer?

Mr. *Ponsonby* said, that he would be the last man to advise such a contest as that right hon. gent. had involved the House in; but being one engaged in it, he would be among the first to offer such advice as he thought to be expedient. It was for this reason he thought that the right hon. gent. ought not to shrink from the responsibility of giving his advice in a difficulty which he had not shrunk from the responsibility of creating. Upon a question which had so considerably engrossed and agitated the public mind, he knew not whether the opinions he was about to offer would be popular or unpopular—whether the magnitude and publicity of the subject would bring upon him a weight of odium or applause, altogether disproportioned to his humble and unobtrusive efforts to do his duty conscientiously; but this he knew, that this was a question of that unparalleled importance, that if it be decided in a certain way, the liberties of this country were at an end. He thought that House had the right of committing for a libel. This was his conscientious opinion—an opinion that might be unpopular, and which he should regret to find so; for, as a member of Parliament, he must ever respect the opinions of the people. Much however, as he esteemed the opinion of the people, he would treat them as he had treated the King when he was his servant. He would serve both, but flatter neither. In proceeding to state his opinion, he should ground what he had to offer upon two principles:—the first was, that each House of Parliament was, in its respective capacity, the sole judge of its own privileges—the sole judge of what those privileges are—the sole judge of the extent to which those privileges are to be carried—and the sole judge of the manner in which such privileges are to be exercised. It followed by consequence, that no other Court in this country had the right to interpose their opinion upon what was privilege of Parliament—the nature, the extent, or the exercise of it. The other proposition which he would lay down as a principle was, that whenever the Court of Parliament, no matter which House of Parliament, had declared a matter to be privilege, that all other courts throughout the country were bound to pay respect and implicit obedience to that declaration. To shew that he did not speak from himself merely, that the opinions he had formed had the sanction of the wisest and the greatest authorities; he should, as he went along, refer to some books he had brought with him, and to prevent all mistakes resulting from a lapse of memory, or inaccuracy of transcription—as also to evince that he made no purposely garbled extract that bore a different meaning from the whole of the context from which it was taken, he should read the passages from the book themselves: the first book to which he should refer, was, sir Matthew Hale's Treatise upon the Original Institution, Power and Jurisdiction of Parliament. Here the right hon. gent. referred to the book, and read from it a passage which was in substance as follows: "For as every Court of Justice hath laws and customs for its direction; some to the civil and canon, some the common law, others their own peculiar laws and customs, so the High Court of Parliament hath also its own peculiar law, called the *lex et consuetudo Parliamenti, suis propriis regulis et consuetudinibus consistit sua lex,* a law not to be judged of by other Courts, or questioned therein, and the same is law, because *secundum legem et consuetudinem Parliamenti,* and the rather for that every member of Parliament hath a judicial place, recognized by various judges." Here he need scarcely remind the House, that lord Hale took largely from sir Edward Coke, whose opinions upon this great question had been adopted implicitly by lord Hale; both these great authorities had affirmed the privilege of Parliament to be not merely *lex Parliamenti,* but *lex terræ,* not the law of that House, but the law of the land. There was however, one objection to which he could not more opportunely advert to than now, it had been industriously given out that though these great lawyers were in the general sound legal authorities, that yet they had rather too much reverence for parliament—that they had too high a notion of the powers and authorities of parliament, and were, in fact, too much clouded by the abject prejudices of their days, to be relied upon implicitly in the present enlightened times. He would not here stop to combat prejudice by prejudice, or examine how far an objection so frivolous should be allowed to invalidate an authority so weighty; but he would take one of those whom he had understood to have been chiefly relied upon out of that House, as laying down opinions hostile to the extent and exercise of their privileges: he meant sir William Blackstone. This judge had been cited in a way so imperfectly as to the context, and so ignorantly as to the consequence, that he was considered by some of those who had suffered themselves to be so egregiously deceived, as laying down principles incompatible with what were called the privileges of parliament. Here the right hon. gent. referred to Blackstone's Commentaries, and read from it a passage to the following effect: "The maxims upon which they proceed, together with the method of proceeding, rest entirely in the breast of the parliament itself; and are not defined and ascertained by any particular stated laws.—The privileges of parliament are likewise very large and indefinite. And therefore when in 31 Hen. 6, the House of Lords propounded a question to the judges concerning them, the chief justice, sir John Fortescue, in the name of his brethren, declared, 'that they ought not to make answer to that question; for it hath not been used aforetime that the justices should in any wise determine the privileges of the high court of parliament. For it is so high and mighty in its nature, that it may make law: and that which is law, it may make no law: and the determination and knowledge of that privilege belongs to the lords of parliament, and not to the justices.' Privilege of parliament was principally established in order to protect its members not only from being molested by their fellow-subjects, but also more especially from being oppressed by the power of the crown. If therefore all the privileges of parliament were once to be set down and ascertained, and no privilege to be allowed but what was so defined and determined, it were easy for the executive power to devise some new case, not within the line of privilege, and under pretence thereof to harrass any refractory member and violate the freedom of parliament. The dignity and independence of the two Houses are therefore in great measure preserved by keeping their privileges indefinite." Judge Blackstone further said, that no catalogue of their privileges should be stuck up for the information of all persons, as to define was to subvert the constitution of the House. After this, he hoped he would never again hear Blackstone quoted, as saying that the law of parliament was not the law of the land. He next referred to a treatise written on the power of parliament, by sir Robert Atkins, one of the judges of the court of Common Pleas—a man whom he described as a sound and constitutional lawyer. He read a passage from the 69th page of this treatise, which was in substance, that "Having made it appear that the power of the high court of parliament, though divided sometimes in the exercise, was the same in effect, however exercised, whether in its legislative capacity as a branch of the legislature, or in its judicial character as the Magna Curia, or in its capacity of a council, as the *communia concilia regni*." Though this doctrine was now thought not be maintainable in these enlightened times, yet this was no new discovery: the same objections were started a hundred years ago, but the objection was rested upon the abstract principle, independent of the constitution, and not upon any principle derivable from the constitution. The objection rested upon a principle that applied to all governments. None had, none ever could be constituted so perfect, as not to leave discretionary power somewhere. This was the principle of the objections of lord Holt, in that memorable case of the Queen against Petit in which he dissented from the eleven judges of that day. His argument was, that the House of Commons may declare any thing they please privilege. But this proved nothing more than that power might be abused.—Was it, therefore, not to exist at all? Yes, say the objections, but in a definite form. But the law of the land said otherwise—the moment privilege of parliament became definite it was subjugated. The law of the land was not to be overturned. If the law of parliament be supposed to be limited by a sound discretion, the judges are not to presume otherwise. The judges are in no case to presume that parliament has abused their privileges; their privileges exist in their own good pleasure; their own discretion is the essence of that privilege—if the one be removed the other is destroyed. Besides, lord Holt's objection went as much to human nature itself as to the privilege of parliament:—While men are men, some part of the most perfect sublunary government must be left in the discretion of their rulers. But lord Holt, in laying down his opinion upon a singular principle, stood alone in that opinion. Was it nothing that the remaining eleven judges of the land were of an opposite opinion? And here it was carefully to be remembered, that among them there were many as able, sound, constitutional lawyers as lord Holt himself. But it had been argued, that no unlimited undefined power ought to be known by the constitution. He did not argue thus for what ought to be, but what actually was. The constitution vested discretion, and there could be no constitution under heaven which must not vest discretion somewhere. If the King's-bench passes an erroneous judgment in law, there lay an appeal by writ of error to the House of Lords. Their lordships may confirm that wrong judgment instead of rescinding it. Here then was an injury without a remedy—but who would argue from thence against the wisdom of vesting such discretion in that House? If the judges of the King's bench were guilty of wilful corruption, the House of Commons would take cognizance of such alledged offence, and would proceed to prosecute such malversation to condign punishment. But who shall call the parliament to account? He might be answered, the people? But in what way were the people constitutionally to do this? When the members of that House went back to their constituents, then the people had the remedy in their own hands, and by re-electing or dismissing their representatives, might exercise all the controul the constitution of the country gave them. It was not the right remedy to take away the privileges of the popular branch of the legislature, because in some instance these privileges might be abused. The course would be, if parliament were distrusted, to address the King to dissolve them. If the House, from its construction, did not meet the public feeling, then redress was to be sought by all legal and constitutional means, to procure the necessary reform; but it was mischievous, as well as silly, to attempt the other course. But it was still contended that the House had no power to commit for libel. Where, he asked, were they to look for the privilege of parliament, if not in the customs and practices of parliament? If then he was right in that position, the application was not difficult; for from the earliest period that House had been in the habit of committing for libel, and slanderous expressions. They would find an instance of it so far back as in the 59th page of the first volume of their Journals, followed by numerous others in the subsequent volumes. The law of parliament was on this head as clear as undisputed precedents could make it. That House could commit for libel *nam ita lex scripta monet.* There was no arguing against it; for it could not be rebutted by an evidence less than itself.—The usage of parliament was, as it were, a deed in evidence not to be defeated by moral testimony to the contrary. He could not say that the House had no such right, because their records said they had, so that he was (to make use of a law term) *estopped* from denying the *factum*, to which, as a member of that House, he was a party. But there had been a good deal of declamatory noise about the invasion of the liberty of the subject. There had lived before them men as much attached to the right of personal liberty as any the present times could boast. When the Habeas Corpus Act and the Bill of Rights were passed into laws, did the men whose public virtue consigned this invaluable legacy to Englishmen for ever—did they feel it necessary to come forward and claim of that House the redemption of the liberty of the subject from the teazing tyranny of their caprice? Did they express their apprehensions of very undue power assumed by the House of Commons? Did they feel any alarm at our privileges, or think those privileges incompatible with the liberties they were created to secure? He had already spoken to the right—to the necessity, of vesting a discretionary power somewhere in every government. The constitution vested that discretion in them; but it was objected—the constitution vested it no where else: and where, he would ask in such a government as this—where could that discretion be more properly vested than in the Commons, Representatives of a free people? Were the great men who worked out the salvation of our liberties, in the expulsion of the Stuarts from the throne, and in the establishment of the constitution—were they hostile, either in principle or education, to the personal liberty of the subject? Was the great lord Somers a friend to arbitrary power in any shape? Was the able sir John Maynard an enemy to the constitution? Was sir Joseph Jekyl a man indifferent to the rights and privileges of Englishmen? Did these men, upon the memorable question of the Kentish petition—did they for one moment entertain a doubt of the legal and constitutional right of that House to commit for libel? Did any one of them question the privileges of that House? Did they not rather give to them the weight of their united authorities? When I find, said Mr. Ponsonby, the privileges of this House sanctioned by the ablest and most upright judges of the land—by the most profound and incorrupt statesmen—by the purest patriots—by the most constitutional and popular ministers—by men who did not talk about liberty, but hazarded their lives to secure it.—When I find the progress of time strengthening the work of their united virtue with the claims of antiquity—a work that it was not necessary for antiquity to make venerable—when I find all this, I own that were it possible for me to be so disposed, that my hand would tremble in the attempt to tear down that noble fabric their patriotism had reared, and their wisdom hadpronounced the fairest and the firmest in the world! With respect to the doctrine of contempts that had recently gone abroad, he must say that he did not concur in that doctrine. It was known that formerly the two Houses of Parliament sat under the same roof, and transacted businesstogether. The time of their separation is not exactly known. The right of the two Houses, sitting thus in the high court of parliament, to commit for contempt, would not be disputed. Did then the separation which afterwards, for obvious reasons of mutual convenience, took place between the two Houses, as to the form of their sitting together—did that separation divest them of their respective right to assert the authority of their court, and protect the proceedings therein from all obstruction, whether constructive or otherwise? He had no doubt that when they separated each retained the same power, and his opinion on this subject was fortified by the authority of Mr. Justice Atkins, which was express upon this point.

The right hon. gent. next proceeded to quote the authority of lord chief justice Wilmot, in support of the right of the House to commit generally. He stated that chief justice Wilmot, of the King's bench, was a man of admirable capacity, deep and extensive learning, and unimpeachable integrity. The passage to which he was about to refer was from a judgment prepared by chief justice Wilmot; but the case to which it related not having come on, the judgment itself had never been delivered. Here the right hon. gent. proceeded to read from a book which he held in his hand, observations to the following effect;—one was, "that in all courts whatever, in this country, the power of vindicating the rights, privileges, and authority of any court, was coeval with the existence of the court itself." Another stated, "that the power of commitment was a necessary incident to parliament, because it was incident to all courts of justice, whether of record or not;" and another passage laid it down, that privilege of parliament was as much *lex terræ* and as much within the exception of Magna Charta as any one part of the known law of the land that did come within its exceptions.—As for Magna Charta, if they give it the general construction now attempted to be put upon it, no man who knew any thing either of the law or the constitution, could look around them, without seeing that it was in the same way universally violated; and that there were many other cases in which the subject was committed to prison without trial. They might as well say that the canon law, and the ecclesiastical law, were of no authority, as they were not contained in Magna Charta, and were totally distinct from it. They might as well contend that these laws overthrew all the rights and liberties of the people. Lord chief justice Wilmot stated, that he had inquired most minutely into the subject, to discover the origin of this law of parliament. From these inquiries he had found, that it was as ancient as the common law, with which it therefore acted conjunctly and in close alliance. It was the universal usage, from time immemorial, that judges in their several courts might attach for offences against their jurisdiction; and in the same manner, the House of Commons must have the acknowledged right to carry their privileges into execution, in the way they deemed most proper. The judges punished libels on themselves in the execution of their office, by attachment; though, in that case, the functions of judge, juror, and executioner, were united. Yet this was never objected to, or called in question, by parliament. It was said, that there was an absurdity in a man's combining, or in a body's combining in itself, the functions of judge, juror, and executioner of the law in its own case; but be the opinion of its absurdity what it might, the fact was, that such a combination did exist in the judges, and he would contend in parliament also. He quoted, at much length, the authority of lord chief justice Wilmot, in support of his opinion; according to whom, "it was part of the system of law in this country, that those who were guilty of contempt, &c. should be tried in a summary manner." They should take all the system together. Trial by jury was indisputably one part of it; but attachment was another; and they might depend upon it, that trial by jury would be buried in the same grave with the authority of the courts in which it was exercised.—In another place the same great authority asked how could the judges go on in the discharge of their functions if they were to be libelled as base, dishonourable, and unjust—should they stand at the door of a grand jury, in order to know whether their characters were to be vindicated or for the grand jury to determine whether their proceedings had or had not been obstructed? should they submit to the delay and formality of a verdict, subject to the influence of popular delusion, for the purpose of asserting their claim to the reputation which was undeservedly attacked? Having stated his opinion of the law of parliament thus far, and quoted such instances in support of that opinion, he thought it unnecessary to add any more upon that head, but the authority of judge Blackstone, who, though quoted in favour of the modern opinions upon this subject, had acted upon other principles in the case of Oliver. In thus communicating his sentiment upon the question before the House, he wished to be considered as not presuming to give any advice, as to the course which then ought to be pursued. In place of any attempt to direct the conduct of this House, he wished to be considered as delivering his own humble opinion in his capacity of a member of parliament. And indeed from all that had already passed upon that subject, the right hon. gentlemen opposite possessed no right to call upon him for his views or his opinion. On previous occasions he stated both; but every thing he had said, every proposition he had offered, were by them disregarded. No one was more prompt than the right hon. gent. (Mr. Perceval) to oppose any propositions from him, and the House in its wisdom was pleased to over-rule them. Nevertheless he then felt it his duty to stand by the privileges of the Commons of England: and in the exercise of that duty, in adverting to the particular line of conduct which in his view should then be pursued, he begged to impress upon the House the paramount and absolute necessity of adhering in every step that it took, to the ancient rule of practice observed by their ancestors, in their contests for the preservation of their privileges. He was aware that in what he was about to recommend, he run the risque of exposing himself to a considerable degree of popular odium. But that man would ill deserve consideration, who, deterred by the apprehension of popular reproof, would in any great and pressing emergency, surrender to his fears the conviction of his judgment. (Hear, hear.) By such an impression he trusted never to be influenced to swerve from his public duty. Never, he trusted, when the events of that day became the subject of future recital and remark, should it be said of him, if so humble an individual had claim to observation, that he was a man, who in contradiction to his fullest conviction, but in compliance with popular delusion, surrendered the privileges of the Commons of England, and by such surrender, gave a fatal and irrecoverable blow to the liberties of England. (Hear, hear, hear!) Reverting then to the ancient rule of practice, it was invariably the custom of that House to commit any person who made himself the instrument of calling into question its privileges. Upon that rule of practice, he did feel it his duty, to state his opinion, that the solicitor who had caused the notice of action to be served upon the Speaker should be committed. Such a course was not alone the practice of that House; it was acted upon in all courts invested with the power of commitment for a contempt of its jurisdiction. In the court of Chancery, for instance, where an injunction had been granted to stay proceedings in an action at law, the attorney who would after such injunction venture to proceed, would subject himself to an attachment, and be most certainly punished for a contempt of the jurisdiction of that court. Was not then the House of Commons fully empowered to take steps against a solicitor who had proceeded to call its Speaker to answer for conduct taken in obedience to its will, and which that House had adjudged to be necessary for the protection of its privileges? Most undoubtedly it was, and as in such a case the most correct line was to follow the conduct of their ancestors, the enforcement of such a right in the present instance was most advisable. The next question to be considered was the peculiar situation in which the Speaker of that House was at present placed. To many members it appeared a most monstrous novelty, that the Speaker of the House of Commons should be obliged to appear in one of the courts below for an act which he had done in pursuance of the orders of that House. A novel proceeding it certainly was, for which there was no precedent; as to an action brought against the Speaker, the instances were rare. Yet monstrous as it appeared to some, and novel as it must seem to all, it was his firm persuasion that the Speaker ought to appear and put in his plea to the action. Such course was open to him without the slightest apprehension of his surrendering in the remotest degree the privileges of that House, and such course the House could adopt, although it had determined to commit the solicitor. As an illustration of that opinion, he would suppose the case of an individual committed by the court of chancery for contempt, whose solicitor had instituted an action in a court of law for false imprisonment against the chancellor. What were the steps which it must be presumed the lord chancellor would under such circumstances take? For himself he would say, that if such a proceeding had occurred when he had the honour of holding the great seal in Ireland, he would have certainly felt it his bounden duty, under the jurisdiction of his own court, to commit the solicitor, and to appear in the court of law to put in his plea. For unless such a course was adopted, how was it possible for the courts below to be apprised of the nature of the case?—how was it possible for them to inform themselves of those facts, without the knowledge of which they could not know whether the injury complained of was committed in a private or public capacity? With respect to that House, agreeing to resolutions in the shape of prohibitions to the courts of law not to entertain causes in which its privileges were involved, such a course was a complete novelty, on which he could not be expected decidedly to pronounce; inasmuch as in the whole course of reading and of practice, he had never met with such a precedent. It was necessary that the courts should be informed of the nature of the proceeding. The difficulty was as to the manner of making the communication. Should the Speaker write; If he did so, and were he (Mr. Ponsonby) a judge, presiding in the court where the process was instituted, without meaning any personal disrespect to the Speaker, he would most certainly take no notice of the letter, nor treat it in that court with the smallest respect. If, then, there was no proper mode of proceeding, either by prohibition from that House, or by notification from the Speaker, how else was the House to proceed for the information of the courts of law, except by authorising his appearance? For, surely, to leave the court of law in ignorance of the nature of the case, and afterwards to find fault and quarrel with proceedings which that court might allow, from the want of the information which the Speaker could give, would be an extreme exercise of the power of that House—a stretch of its privileges, which, with some justice, might subject them to the severest reprobation of the people. Upon every view of the case, it was his opinion that the Speaker should plead, and that the plea should state, that the act of which the plaintiff complained was done in obedience to the orders of the House of Commons and that there existed in no other court a power to relieve him. If after that appearance was made, and such information was communicated, a court of law should still think proper to proceed, by such act it would, to his view, most certainly exceed its jurisdiction—it would go far beyond the limits of its authority and power: but, indeed, he could not bring himself to conceive that any constitutional tribunal of the land, that any judge would venture—venture, he would not say, because he could not imagine that those placed in such wise and elevated situations could, under any circumstances, be guilty of that which would most certainly amount to a gross dereliction of their duty—a gross transgression of the law of the land. But such a consequence he could not anticipate, feeling the confidence he did in the learning, the wisdom, and the purity of the legal tribunals of the country. Nor would he restrict that confidence to the courts of law; but would extend it most anxiously to the good sense and observation of the country at large. Should events unfortunately prove that he had been mistaken in the dependence that he had placed upon the nation's sense—should it, or any considerable portion of it continue to be impressed with the fallacious thought that the possession of the privileges of the House of Commons were fatal to the liberties of the people—should it exert itself for the pernicious purpose of undermining those privileges, then most certainly the people of England would be greatly and fatally misled. It was not because the vote of that House, upon this or that public measure, was opposed to the wish and opinion of the people; it was not because their representatives had evinced a conduct which the constituent body at large disapproved; it was not because some of their decisions could not be defended, that the power of the Commons of England should be then curtailed. No; they were to be defended even under such circumstances, because a blow aimed at them, even in that House of Commons, would affect and overthrow its privileges, and with them the people's liberties through every succeeding parliament. But it might be contended that the possession and exercise of such privileges as that recently questioned was too great and too dangerous to be continued in any House of Commons. They were, however, borne in periods of our history in which the people of England were most high mettled, and jealous of the slightest invasion of their liberties. They were admitted in some of the best periods of our history, when many of our ablest predecessors were engaged in arduous contests for the rights of the people. It was sincerely to be hoped that the people would continue to respect them, inasmuch as they were the best barriers of protection to their own most valuable interests. For in that House ought the people to expect and to it they should look for security and protection. There was a new doctrine afloat, and a strange direction given to the popular hope. Whilst their feelings were estranged from the Commons, the people of England were directed to look to the crown for the guardianship of their rights. What! the crown protect the liberties of the English people? Attached as he was to a limited monarchy, he would contend, there never was, during the whole period of our history, a monarch, except the virtuous monarch, now upon the throne of these realms, who ever loved a House of Commons— there never was a king, with the same exception, who was not an enemy to public liberty. He founded this opinion upon no invidious comparisons of one reign with another. It was human nature; and there never yet lived the man who loved that power, which acted as a controul upon his wishes and his passions. That the family of Brunswick would long continue to support these principles, for the defence of which the people of this kingdom placed them on the throne, all were ready to believe. But who would take upon himself to say, that even in future successions of that family a prince might not appear jealous of the influence of the people, and anxious to destroy their weight in the constitutional balance. Under such a state of events, to whom could the people look for protection and support? What branch of the constitution could they depend upon for a successful resistance to the encroachment, that threatened their liberties with extinction? To the House of Commons in the full possession of those privileges, the efficacy of which the rash and the deluded would now wish to diminish? Was it not the House of Commons, supported by the voice of the nation, that resisted successfully the tyrannic encroachments of the Stuarts, and ultimately dethroned that family, when it was found impossible to induce them to desist from their arbitrary proceedings? Never was there propagated doctrine more pernicious and delusive than that which went to alienate from that House the popular confidence, in order to give it to the crown. True it might be, that from acts of that House the confidence of the nation was shaken—true it might be, that it was considered rather the instrument of the minister than the organ of the public voice, (an opinion which he considered pressed too far in this country) yet even under all these admissions, it was not upon the crown that he could be induced to depend for the preservation of the people's rights. If the grievances of which the country complained were to be attributed to the construction of that House, let that construction be altered, if the nation wished and demanded it. But whilst it was necessary that a discretionary power should exist, where, he asked, could it be entrusted with more safety, than to the representatives of the people of England? But then it had been contended, that though there was no objection to concede a discretionary power to that House, yet its exercise should be limited. Was then the court of King's Bench, or was public opinion, to be the standard of regulating to what extent the power should be exercised? If the King's Bench was to possess the power of trying the legality of its privileges of commitments for libel, it would be invested with the power of being the judge of every privilege of that House. There could be no limitation. The very right of holding a plea in the case of libel would constitute the right of trying the extent of privilege in any other case.

Suppose a person was committed for striking and violently assaulting the Serjeant at Arms, or any messenger of the House in the execution of their duty, and that for such breach of privilege it committed him. He brings his action in a court of law; nothing can prevent him, and the court must hold plea, upon the principle, that it had interfered before in the case of libel, and that it must now see whether the House of Commons had the power to do the act or not. In such case what became of the privileges of the Commons of England? Again—was public opinion to be the criterion for limiting their exercise. Set up such a standard, and fancy, if you can, the mischiefs which would most infallibly be the consequence. Then would you place the privileges of this House at the mercy of contending factions; both bidding against each other at this auction of popularity, until privilege and liberty fell a sacrifice to their selfish and unprincipled objects. One democracy of faction would be destroyed only to be succeeded by a worse; extinction of all order and all virtue would follow in their train, ultimately to secure the absolute rule of a single individual. Let the country remember the miseries under which, from such causes, it once suffered. Let it remember the recovery it has had: Let it remember that period of its history when, in the reign of the first Charles, that unhappy prince was reduced by the constitutional exertions of the House of Commons to desist, in a great degree, from his arbitrary acts of prerogative, and the salutary prospect presented itself of a free and legitimate government. From what causes was it that such exertions proved abortive? It was because a faction sprung up in that House and in this country, who arrogating to themselves all the patriotism and public spirit in the nation, misrepresented, defamed, and crushed the wise and honest men of all parties—a faction who possessed great talents but no virtues—with purity in their mouths, but profligacy in their hearts—who talked of liberty but meant despotism, who sought the Lord but found a crown. If England, with the example of all former ages before her, and particularly with the awful example of such a calamitous visitation, shall be so infatuated as to relapse into such dangerous and delusive errors, then I pronounce that she is doomed to suffer more grievous calamities than has ever yet befallen any nation upon the earth, and what is more galling and more aggravated, she is doomed so to suffer unpitied, unregretted and unrelieved.

Mr. *Adam* expressed his intention not to trespass at any length upon the attention of the House, after the sound, constitutional, and eloquent speech which he had just heard from his right hon. friend? There was not, either in his principles, doctrines, or illustrations, a single point that did not come home to his mind, with feeling and conviction. Before the motion was put, he was anxious (although it might be impossible to prevent the proceeding in the present case) to impress upon the House the necessity of coming to a declaration, which would, *in limine*, give protection to the privileges of the House, which must otherwise according to the course now proposed, be deeply injured by not being asserted.—He felt that the House could only make use of such powers as it possessed, but those powers it was bound to use in the first instance, and try their efficacy. They had proved efficient hitherto, and surely we were not to conjecture without trial, that they would prove inefficient now. They had checked suitors in holding plea, where our privileges were concerned. The means which the House used had produced the same control on those who attempted to carry on proceedings in defiance of the privileges of the House, which courts of law produce to attain the enforcement of their judgments; and, on the same principle, a moral acquiescence from an apprehension of suffering under a physical force.—Mr. Adam said, that, undeterred by any unpopularity that might follow from it, he still felt it his duty to cling to the ancient practice of that House, and to avow that, in his opinion, it was incumbent on it to call the solicitor to the bar, and on finding that he was the indorser of the notice, to commit him: then to come to resolutions respecting our privileges, and make it apparent, that we continue to support and maintain them. Such a course might not, in that stage of the business, prevent the action going on; but it would secure the privileges of the House. Were that measure adopted, things would be as correct as possible up to the present period, and the proceeding be regular and orderly.—He therefore called on those who had taken the lead in this businesss on the Committee, on its chairman, and on the right hon. the chancellor of the exchequer; to adopt this course, as that which had always been the practice; as most effectual to its ends; and at all events, a line of proceeding, which would show that the privileges of the House were asserted: whereas the mode pursued, of resolving in the first instance to plead to the action, was a virtual abandonment of them.

The *Chancellor of the Exchequer* declared, that the general tenor of the eloquent speech of the right hon. gent. opposite was such that he should be sorry by recurring to any irritating subject, to interrupt the impression which that speech must necessarily have made on the House. He could not refrain from repeating his regret, that in a case in which the right hon. gent. himself conceived that the rights and privileges of the House were at stake, he abstained from lending his assistance to the Committee in order that they might arrive at a right conclusion. The right hon. gent. had talked of the unfortunate situation in which the House stood. What unfortunate situation? Only that situation to which it must be necessarily exposed on every exercise of its privileges, however moderate. The mere temporary imprisonment of a member, for the purpose of bringing him to the bar to receive a reprimand, would form as good a ground for an action as the rash step (as the right hon. gent. termed it) which he had advised the House to adopt with respect to sir F. Burdett. Besides, could any one who had observed the subsequent conduct of that hon. bart. doubt, that if he had been brought to the bar to be reprimanded, instead of having been sent to the Tower, he would have preferred an action against the Speaker for ordering him into custody, or that he would, when at the bar, have so insulted the dignity of the House, as to drive them to the adoption of the severer measure? With what justice, therefore, could it be said that the House had been brought into unheard of and unspeakable calamity and distress? If there were any imbecility in their privileges, he did not regret that that imbecility had been discovered at a time when they would have ample opportunity either to consider the mode of protecting the rights which they had, or the constitutional means of acquiring the power to protect them. He deprecated, therefore, such an emphasis on the difficulty of the situation in which the House was placed, confident that the House had not exercised a right which they did not possess—he was confident that they had not exceeded their privileges—he was confident that no authority, no judge in the land, when he learned that it was a question in which the privileges of the House of Commons were implicated, would determine upon it. He entertained no apprehension, therefore, that either the dignity or privilege of the House of Commons was endangered. The law prescribed the course which the House ought to pursue, and which they might therefore tread without danger. After alluding to the precedent of sir F. Pemberton and sir T. Jones, he adverted to the statement made by his hon. friend, namely, that a letter might be written by the Speaker to the Lord Chancellor, on which the Chancellor would necessarily issue a writ of *supersedas.* Although he could not admit that this alternative of his hon. friend was so absurd, as it was asserted to be, yet as such a measure would be effective only during the session, he must allow, that the proceeding would be of too limited a nature for the House to adopt. He, and those who acted with him, had been thought deficient in their duty for not having recommended the commitment of the solicitor. For his part, he thought it wise in the House not to avail itself for that purpose of the unprecedented and unnecessary notice which had been sent to the Speaker. If the House had committed the solicitor by whom that notice was sent, which they had an unquestionable right to do, was it not probable that another solicitor would have been appointed, who would not have sent a notice, but would have brought an action? Would the House have committed him for that? How could they distinguish whether that action was preferred against the Speaker in his public or in his private capacity. If they had asked the solicitor, he would probably have answered that the interests of his client required secrecy. Would the House have committed him on that statement? If they had done so, he thought they would have acted rashly. It was in the anticipation therefore of all those difficulties, that the commitment of the solicitor had not been recommended. Those who had told him that he was wrong in advising the commitment of sir F. Burdett without foreseeing that he would resist the warrant, could surely not censure him for not having advised the commitment of the solicitor. Besides, in that case the House would have to commit the barrister. If one barrister was committed another might be found; for nothing need be done by the parties, but to wait till the end of the session, when they would be at liberty to proceed. By any such commitments therefore, the House would only have shewn their resentment without being able to vindicate their privileges. The openness with which he found it necessary to speak on these subjects, induced him once more to lament that the hon. gentlemen opposite felt such an alienation to an approach to their political adversaries, even on a subject of such general interest, that they would not join them in the committee in which it could be so much better discussed. With respect to the proposition recommended by his hon. friend who had immediately preceded him, he thought that the House would do well to adopt the motion before them in preference to it; and adverting to the assertion of the noble lord who had spoken early in the debate, that this course was novel in principle, he positively denied that assertion. That the House did not always feel themselves called upon to be vindicators of their own authority was established by numerous precedents. It was a matter entirely of discretion. When a Habeas Corpus was moved the persons were brought up under it, because until the return made to the writ, the judges could not ascertain the cause of commitment. Such persons were however invariably remanded. If the solicitor knew the cause of the commitment of his client, which he unquestionably must, he was subject to commitment himself for the proceeding. There was no instance, however, he believed, in which such a commitment had taken place, but there were many instances in which it had not taken place. He maintained that there was no more reason for committing the solicitor in the case under discussion, than there was for committing a solicitor who had sued out a writ of Habeas Corpus on an individual committed to his knowledge for a breach of the privileges of the House of Commons. In both cases the Houses might if they chose exercise the privilege of commitment, and in both cases it was perfectly in their discretion to abstain from it. He congratulated the House that on the present question there appeared very little likelihood of any difference of opinion. He rejoiced particularly that on the part of the subject upon which he had apprehended the greatest difference, there seemed a general concurrence of sentiments. He had feared that those who were impressed with the necessity of carrying the privileges of the House with a high hand, would have been inclined to proceed to extremities, which he was glad to find they did not propose.

Mr. *Ponsonby* explained. He should always think that the right hon. gent., by inducing the House to exercise their privilege of commitment in a case which did not call for it, had put the House in an unfortunate situation. He could never think any situation so unfortunate as when a considerable portion of the people disapproved of their proceedings.

Mr. *C. W. Wynn* agreed most fully in every thing that had fallen from his right hon. friend (Mr. Ponsonby). He held it to be the duty of that House to follow up the steps which had been trodden by its predecessors. He should be for committing any solicitor, whom he could collect from circumstances to be apprised of his being engaged in bringing an action against the Speaker in violation of the privileges of that House. This was his opinion; and, however unpopular it might be, he should be ashamed if he could abandon his duty, or hesitate to declare it.

Sir *S. Romilly*, after the part he had taken in the former discussions upon this subject, could not suffer the present question to go to a vote without saying a few words, to state shortly his opinion respecting certain doctrines which had been advanced in the course of that night's discussion. On the question he had no doubt whatever; as, in his opinion, the Speaker and Serjeant ought to appear to the actions brought against them. He was sensible that the question was of that kind which rendered unanimity in that House most desirable. But it was not the duty of any man, in order to obtain such unanimity, to sacrifice his opinions and his conscience. It was not his intention to go into the various topics which had been so ably touched upon by his right hon. friend (Mr. Ponsonby) this night, and by his hon. and learned friend (Mr. Adam) in a former debate. Both differed from him in their opinions on this subject; and though he had considered himself called upon on a former night to state his sentiments more at large, in order to prevent that House from coming to what he looked upon as a wrong decision, he did not think it necessary on that occasion to plead the cause of parties litigating a question with that House. The present question was different; and if he was disposed not to go into it, he could truly affirm, that it was not in consequence of the doctrines he had heard advanced, but because the present state of the business did not call for it. He would confess, however, that he did not entertain the opinion that the privileges of that House ought not to be brought into discussion in the courts of law. He would readily admit that the privileges of parliament were a part of the law of the land, and had been as such recognised and acted upon in the courts of law. He would admit that that House had power to commit for a breach of its privileges, as he had before stated; but he entertained some doubts as to the existence of certain legal rights, which had been construed to flow from this right of commitment. As to the question before the House, there was in appearance a desire that something should be said as to the kind of plea which should be put in. But he could not collect what plea was intended to be set up, nor did he understand the House to have decided upon it. He conceived the objection generally meant to be made against proceeding with the action to be, that the Speaker and Serjeant, because they had severally acted as Speaker and officer of that House, in execution of its order, could not be sued in an action consistently with the privileges of that House. To him the possibility of such a plea was very clear. He could not easily see that the Speaker, acting implicitly in conformity to the order of that House, could very consistently make use of such a plea; but he could not equally satisfy himself that the Serjeant at Arms could avail himself of the same plea. As well as he could collect from such information as gentlemen generally had upon such subjects, the charge against the Serjeant was not that, as an officer of that House, he had acted by its authority, but that he had executed the warrant committed to him in an unwarrantable manner. Though the execution of the warrant simply might not be cognizable in a court of law, without a violation of privilege, yet the manner of executing that warrant might. The warrant might be legal, and yet the officer legally responsible for the mode of executing it; as there might be some doubts as to the legality of executing it in a particular mode. It did not appear to him how it could be put on the record that he had acted as the officer of that House, in bar of an action for what he had done in executing its warrant. He felt all that had been urged in the doctrines advanced that day, that the privileges of that House could not be questioned in the courts of law. But he would beg of gentlemen to remember what were the privileges of the other House of parliament; to bear in mind that they were contending then for the privileges of another branch of the legislature, which had no common feeling or common interest with the people, as much as for their own. It was an extremely dangerous doctrine to maintain that whatever was done against the privileges of either House of Parliament was to be arbitrarily punished without appeal or legal investigation, because the privileges of neither House were to be questioned in a court of law. He would repeat, that it was a most dangerous doctrine, and contrary to the principles of British law; and in proof of this, he would suppose an extreme case. He would suppose either House to pass a resolution restricting a man from the exercise of a legal right. If that individual were to be arbitrarily committed for acting upon a right sanctioned by law, would gentlemen think such an exercise of privilege was to be defended? Yet, improbable as this case was, it was a case that actually had happened, and at no very distant period, in the parliament of Ireland, now consolidated with the parliament of this country. That parliament voted any man who should demand or be concerned in prosecuting a suit for the recovery of tythes in agistment, an enemy to his country. Was such a resolution to be maintained as a privilege, when it went directly to deprive the subject of his legal rights and undoubted property? The case was an extreme one, and not likely to occur again; but it had occurred once, and might again in the variations of times and circumstances. If their privileges were not to be discussed in courts of justice, how did it happen that persons committed by the House were brought up on a writ of Habeas Corpus to the courts of law, where the judge ascertained the authority for commitment, before he remanded the party? What had been the opinion of lord Kenyon, a peer of the realm, when he made a long argument in his court on the subject? As to what had been said respecting the analogous practice of the courts of law in commitments for contempts, he could see nothing in that. When it was stated that a person imprisoned for a contempt could have no redress, he must say, that if such were the case, there would be an end of all jurisdiction. His right hon. friend (Mr. Ponsonby), for whose opinion he had the highest respect, and whose honest, manly, and independent public conduct entitled him to the gratitude of his country, had stated what he would have done if a solicitor had brought an action against him for any judicial act, if he were chancellor. When he considered the situation which his right hon. friend had filled, he must be disposed to defer to his opinion; but they were all equalised in that House, and it was his duty to state his own opinion. He could state a number of cases where persons committed for contempt by one court had been brought up to another, who, upon consideration of their cases, had been liberated. He should more particularly allude to that case which contributed more than any other to the assertion and liberty of the subject in this country, he meant the case of Penn and Mead, two Quakers, who had been tried in the reign of Charles 2, for being present at an illegal assembly, and were acquitted by the jury against the direction of the judge, the well-known judge Jeffery*. The whole of the jury were committed for a contempt, in having acquitted the prisoners contrary to the direction, and, as it was said, against the evidence. They were afterwards brought before Chief Justice Vaughan, who went into a long and laboured argument to shew that he had jurisdiction, and cited various cases in proof of it, particularly the case of a man committed by sir Nicholas Bacon for a contempt, who had been released by the King's Bench, because the commitment was for contempt generally, without specifying the particular contempt †. Therefore these analogies proved little for the argument in this case. But he was not desirous of saying much upon this occasion. Though he knew that any opinion of his was of little value to that House, his opinion was of much value to himself. He knew that the privileges of that House were given and maintained for the benefit of the people. Undoubtedly they were; but if the time should ever come when the people, instead of thinking that they were used for their protection, should believe they were exercised for their oppression, he must say, that he should consider that a most calamitous situation for the House to be placed in.

Mr. *Windham* understood his hon. and learned friend to say, that he wished to support the privileges of the House, yet his arguments were employed not to uphold those privileges, but to subvert them. The argument of his hon. and learned friend not only went this length, but it went to the subverting of all co-ordinate jurisdictions, and of all uncontrouled power. A respectable author (Dr. Paley) had laid it down, that there could not be a series of appeals. If there were, in the end, they must do harm to the government. If there was no court or other jurisdiction uncontrouled, there could be no human legislation. With certain limitations this was a power which must exist. He pressed on the House to be extremely guarded how it allowed any unusual intrusion on its privileges to be committed at such a moment. The only thing for them to do, was simply to let the judges of the courts know that this was not pleaded to because it was founded on a step proceeding from the House of Commons. He was originally averse to the mode of proceeding proposed, but the speech of his right hon. friend (Mr. Ponsonby), had reconciled him to it. He was now only anxious that the House should not be misunderstood; and that it should be manifest to the courts of law that this was a step taken by the House of Commons, and therefore that the judges should not interfere. He was satisfied the learned judges now presiding had too much knowledge of the law not to know that they could not interfere.

The *Attorney General* did not wish to detract any thing from the power and jurisdiction of the courts of law; but still when he considered the many cases in which the ablest judges of the courts of law allowed, that the privileges of parliament were above their jurisdiction, he could not believe that so many able and learned judges were all mistaken about their jurisdiction; and he therefore thought that the privileges of that House had been firmly recognized as the law of the land. As to the opinions which had been delivered by sir F. Pemberton and sir T. Jones, in the case which had been so often alluded to, he understood their opinions to be entirely as to the form of the plea. They did not deny that the matter of the plea would be a complete defence, but they conceived that the plea had not been put in as the form of the law required. He could not agree with his hon. and learned friend (sir S. Romilly) that the courts of law could ever take into their consideration and judgment the existence of the privileges claimed by the House. They were the only judges of their own privileges, and their decision upon them was binding in a court of law. In this manner the judges must have considered the law in many cases where writs of Habeas Corpus had been moved for the discharge of persons committed for violating the privileges of that House. In all those cases, when the cause of commitment was set forth, the prisoner was remanded. Lord chief justice De Grey gave his opinion most decidedly to that effect. If it were allowed that the House did possess the privileges which were called in question, it must also be allowed that they had the right of deciding on their privileges, and their decision must be final and conclusive. It had been thrown out in the course of this debate, that there was a considerable difference between the cases of the Speaker and of the Serjeant at Arms. As the defence was committed to his hands, it would perhaps be expected that he should say something on the subject. He felt not a doubt but that the judge on reading the Speaker's plea would refuse to listen to the action, but he could not feel the same assurance as to the plea of the Serjeant, because there might be a doubt whether he had or had not overstepped his lawful authority in the manner of executing the warrant.

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* See Cobbett's State Trials, vol. 6, p. 951.

† Ibid, vol. 6, p. 999.

Mr. *W. Smith* entertained great doubts on what principle he could sanction the idea that there could be any power above the law. If gentlemen said that they were bound by the law, by an act of the three estates—to that he agreed. But if they contended that we were bound by any thing short of that, he must demur to the proposition. The change from triennial to septennial parliaments he conceived to be one of the greatest infringements on the liberty of the subject. If, therefore, that House had the power of protracting its own existence, and then of determining on its own privileges, the powers of parliament were more extensive than he had conceived them. Having said so much, he, however, agreed that it was fair that that House should enjoy the privileges they had had for ages past.

Lord *Milton* wished that the plea given in should be that which was calculated to hold the privileges of the House at the highest possible point, so as to make it obvious, that no question as to them could be entertained in a court of law. He was desirous instead of employing the attorney general that it should be left to the Speaker himself to put in the plea, without the intervention of any counsel.

The question, That the Speaker and Serjeant be allowed to appear and plead to the action was then put and carried.

Mr. *D. Giddy* said he had one other motion to make, to which he thought there could be no objection. Every gentleman must know how safe their privileges would remain in the hands of their Speaker, of whose zeal, experience, and ability, they had already had such convincing proof; but, at the same time, in such a case as the present, he presumed the motion he had now to make would not be objected to. He then moved, That the Attorney General be instructed to defend the Speaker and Serjeant against the said action.—Ordered.

Mr. *C. W. Wynn* asked, if it was to be held out by the House, that any person might commence such suits at law against the privileges of the Commons of Great Britain, without suffering any punishment for their temerity; and that the House was not now to act as it had done in all former instances. He alluded to a case in the only assembly which could bear any analogy to that House, the House of Peers, where no farther back than 28th November, 1768, in the case of Biggs against Hesse, an action was brought against a person acting by the authority of the House of Lords, and the House ordered the plaintiff and his solicitor to appear, and committed them to the custody of the usher of the black rod, till they executed a release of the action. This was a case not so strong as the present, and he wished to know if the practice was now to be discontinued?

The *Chancellor of the Exchequer* was not prepared to give an opinion on a question of the kind, taking it as a general rule. The point would be open for the discretion of the House at any time when the case should again occur. As circumstances stood, such a step did not appear to him to be at present necessary.

Mr. *Windham* thought it would be proper to call the solicitor in this case to the bar, lest, on any future occasion, if they acted up to the old practice, the person suing out the process might think he was treated with unbecoming harshness.

Here the matter dropt, there being no question before the House.

[NAVY ESTIMATES.] The House resolved itself into a Committee of Supply.

Mr. *Croker* proposed a vote of 1,165,000*l.* 15*s.* 11*d.* for the ordinaries of the navy.

Sir *Charles Pole* asked, whether the present number of seamen, amounting to 146,000 might not be reduced to 130,000? If such a reduction should be deemed eligible, he proposed that old seamen who had served from 18 to 20 years, should be discharged. He wished that these estimates had been referred to a select Committee, as had been done sometimes, in order to ascertain with more exactness what reductions might be made. He found they had considerably increased since last year upon the civil establishment of the navy. He contrasted the great advance which had taken place in the salaries of the civil department, with the slow progress, and in some respects diminution of the pay of the military department. As an instance, he mentioned the lieutenants of the 1st and 2d rates, whose pay was 6*s.* a day in 1694, and was still the same, subject to the deduction of the income tax. The increase altogether in the civil department appeared to be 500,000*l.* He thought the men engaged in harbour duty might be discharged. He also suggested that a saving might be made by reducing part of the press gangs.

Mr. *R. Ward* was surprised that the hon. admiral should say, that there was an addition of 500,000*l.* on the civil department of the navy estimates above those of last year. On the contrary, the addition on the whole of the estimates did not amount to much more than half the sum. In a great many articles there was a considerable diminution, on account of so many ships of the line having been launched last year, which rendered it unnecessary to build many more this year; there was also a diminution in the expence of the sea fencibles, and in the article of transports. There was so much additional business in the civil service that the increase of salary was necessary, but the increase here was not above 20,000*l.* There was also some advance in the office of the admiralty records, which had been admirably regulated by the exertions of Mr. Pindus. There was an increase necessarily in the victualling department, owing to the excess in the army victualling. He contended against the policy of reducing the navy, which was at present in so much splendour, and which would, he hoped, always be the terror of our enemies. The fleets of Spain were in a dubious state, and the largest fleet might be raised at Antwerp—and this might be more dangerous than any other. There was an addition of enemies in the North, and it was necessary to have our fleets there to protect our trade. The fleet of Russia was increasing, and the fleet of Sweden might be turned against us, though there was no sentiment of hostility from that country at present. The Danish fleet was also to be considered. All these considerations shewed the necessity of keeping up the English fleet. We must be able to cope with the navies of the whole world. Besides those regularly employed, there ought to be a body of reserve; the advantages of which had been already felt, in the case of the Copenhagen expedition, in the facility with which ships had been sent to the Tagus, and in bringing off the army of sir J. Moore. The possibility of a rupture with America, was also to be considered, though he did not know that there were any symptoms of that at present. In every view it was proper to keep up the establishment.

Captain *Parker* was adverse to the reduction of the harbour duty men, and to the discharge of old seamen. It might be very injurious to the service. The impress was serviceable, not only in procuring men, but in preventing desertion.

Lord *Cochrane* rose and said: Sir; Indisposition has prevented me from submitting to the consideration of this House, those matters respecting which I had given notice, and the same cause has disabled me from paying that attention to the Navy Estimate, which I should have done, and which I might have done, had this estimate, completed in Feb. 7, been printed and delivered to us in proper time, instead of a few days ago, for which, however, I suppose, there was some weighty reason. Notwithstanding these disadvantages, enough will probably appear, to shew the nature of the thing, and first, as to the manifest injustice of the pension list.—An admiral, worn out in the service, is superannuated at 410*l.* a year, a captain of the navy at 219*l.*; while the clerk of the ticket office retires on 700*l.*—The widow of admiral sir Andrew Mitchell has one third of the allowance to the widow of a commissioner of the navy.—Martha, widow of admiral Bourmaster, 75*l.*; Mary Hammond, a commissioner's widow, 300*l.* Elizabeth, widow of captain Blake, 60*l.*;

Elizabeth, widow of commissioner Lane, 300*l.*—Four daughters of the gallant captain Courtenay, 12*l.* 10*s.* each; daughter of admiral sir Andrew Mitchell, 25*l.*; two daughters of admiral Epwort, 25*l.* each; daughter of admiral Keppel, 25*l.*; Elizabeth, daughter of captain Mann, who was killed in action, 25*l.*; four children of admiral Moriarty, 25*l* each.—Thus 13 daughters of admirals or captains, several of whose fathers fell in the service of the country, receive from the gratitude of the nation a sum less than dame Mary Saxton, the widow of a commissioner.—This pension list is not formed on comparative rank or merit, length of services, or any rational principle, but appears to be dependant on parliamentary influence alone; for lieutenant Ellison, who lost his arm, is allowed 91*l.* 5*s.*; and captain Johnson, who lost his arm, has only 45*l.* 12*s.* 6*d.*—Lieutenant Arden, who lost his arm, has 91*l.* 5*s.*; lieutenant Campbell, lost his leg, has 40*l.*; and poor lieut. Chambers, who lost both his legs, has only 80*l.* while sir A. S. Hammond retires on 1,500*l.* per ann.—The brave sir Samuel Hood, who lost his arm, 500*l.*; while the late secretary to the Admiralty retires, in full health, with a pension of 1,500*l.*—To speak less in detail, 32 flag officers, 22 captains, 50 lieutenants, 180 masters, 36 surgeons, 23 pursers, 91 boatswains, 97 gunners, 202 carpenters, 41 cooks, cost the country, 4,028*l.* less than the net-proceeds of the sinecures of lord Arden, 20,358*l.*; Camden, 20,586*l.*; Buckingham, 20,693*l.*—All the superannuated admirals, captains and lieutenants, have but 1,012*l.* more than earl Camden's sinecure.—All that is paid to all the wounded officers of the British navy and to the wives and children of those dead or killed in action, does not amount, by 214*l.*, to as much as lord Arden's sinecure alone, 20,358*l.*—What is paid to the mutilated officers themselves, 11,408*l.* 16*s.* is but half as much.—Is this justice? Is this the treatment which the officers of the navy deserve at the hands of those who call themselves his Majesty's government? does the country know of this injustice? Will this too be defended? If I express myself with warmth I trust in the indulgence of the House; I cannot suppress my feelings. Should thirty one commissioners, commissioners wives, and clerks, have 3,899*l.* more among them, than all the wounded officers of the navy of England? I find, upon examination, that the Wellesleys receive from the public 34,129*l.*, a sum equal to 426 pair of lieutenants' legs, calculated at the rate of allowance for lieutenant Chambers' leg.—Calculating by the pension for captain Johnson's arm, viz. 45*l.*, lord Arden's sinecure is equal to the value of 1022 captain's arms.—The marquis of Buckingham's sinecure alone, in the net, will maintain the whole ordinary establishment of the victualling departments at Chatham, Dover, Gibraltar, Sheerness, Downs, Heligoland, Cork, Malta, Mediterranean, Cape of Good Hope, Rio de Janeiro, and leave 5,466*l.* in the treasury.——Two of these comfortable sinecures, would victual the officers and men serving in all the ships in ordinary in Great Britain: viz. in 117 sail of the line, 105 frigates, 27 sloops, 50 hulks.—Three of them would maintain the dock yard establishments at Portsmouth and Plymouth; and, by the addition of a few more, would amount to as much as the whole ordinary establishments of the royal dock yards at Chatham, Woolwich, Deptford, and Sheerness; and the sinecures and offices executed wholly by deputy would more than maintain the ordinary establishment of all the royal dock yards in the kingdom. To return to this pension list: I observe that pensions given by the Whigs to commissioners, clerks, and others, whom they forced out to make room for their friends, amounted in 13 months, to about 1,508*l.* more than the present administration have, by this list, given away in nearly three years that have elapsed since—And the right honourable gentleman, (Mr. Ponsonby,) who, two nights ago made, so pathetic an appeal to the good sense of the people of England against those whom he was pleased to call designing men and demagogues, actually receives for having been 13 months in office, a sum equal to nine admirals, who have spent their lives in the service of their country; three times as much as all the pensions given to all the daughters and children of the admirals, captains, lieutenants, and other officers who have died in indigent circumstances or been killed in the service! and as much as would pay the officers and men employed in the fifteen hulks of the line in ordinary.—From the minute expences noticed in this estimate, viz. for oiling clocks, killing rats, and keeping cats, I should have supposed that great care was taken to have it very correct. It was, therefore, with much surprise, I found the name of my worthy and respected grandmother, the widow of the late captain Gilchrist of the navy, continued on the list, as receiving 100*l.* per annum, though she ceased to exist 8 years ago!—I shall dwell no longer on this subject than just to notice, that while all this profuse waste of the public money is going on, the builders in our naval yards, on whose ability and attention so much depends, have only 720*l.* per annum salary, that is only 20*l.* more than a retired clerk of the ticket office. The petty perquisite of a silver cup, given to them when they launched, and thereby added a ship to the British navy, was taken from them as a saving to the nation, by the mischievous and contemptible admiralty of 1802. Such are the pretended savings, by which, when any are made, the country is duped.—Were there a prospect of success, I could point out to a committee of the House some savings worthy attention.—The canvas department (though by no means free) yet, least supported by political influence, is probably that in which the abuses might be most easily corrected. I will undertake to prove that, by adopting canvas of a better quality, a saving equal to one-fourth of the British navy may be made—a saving, equal to the additional income tax imposed by the Whigs. The remaining three-fourths of the ships will be more effectual than the whole, their velocity will be increased upwards of half a mile in seven miles; and thus every one will be enabled to capture those vessels which at present escape from them all; as beside its bad quality, the enemy know our ships of war from foreign ships by the colour of the canvas, consequently run away the moment they perceive our black sails rising above the horizon; a circumstance to which they generally owe their safety, even more than to its open texture. I have observed the meridian altitude of the sun through the fore topsail, and by bringing it to the horizon through the foresail, ascertained the latitude as correctly as otherwise I could have done. Any man who knows black from white can distinguish the difference, as you will perceive by the colour of the samples which I now shew you.——This (the white) is used by the Spaniards, Portuguese, Dutch, Russian, Danish, American, in fact by all ships except ours. The difference of price has been stated as an object, (contemptible idea!) The paltry increase of cost will be more than compensated by the superior wear of the canvas, independent of its strength, on which, consequently, depends the safety of the ship, and the preservation of the lives of all on board. I shall, no doubt, hear it urged, that a remedy is about to be applied; and so it has been ever since I can remember: but remedies and redress at public boards are sought in vain; and so it is with respect to the hardships noticed by an honourable admiral, imposed on old and wounded sailors by the harbour duty; which is justly considered by them as oppressive in the highest degree, more grievous than all the other hardships to which they are subject.—Should the latter days of a life, spent in the service of the country, be those in which the severest duty is imposed, and that too, when wounds and infirmities have rendered men unequal to the task? One person who contends for its continuance says it is a laborious duty, and must be executed. This reason is conclusive, in my mind, why it should not be imposed on those, whose infirmities have rendered them unequal to the task. No good conduct, or character from his captain, can, under the present system, free an old seaman from this misery. I well remember the sad case of William Farley, an infirm petty officer; a man of respectable character, in my own ship, who, I think, had been in 13 general actions, and about 20 years in the service; he was sent to be invalided, that, by a change, his impaired health might be restored, and that he might pass his latter days in peace.—He was condemned to harbour duty, but obtained leave to return to his ship. After a time, being still unable to do the smallest duty in the ship, he was again surveyed: the same decision passed. Whether this happened a third time, I do not recollect; but of this I am certain, that he died on board off Brest. My gunner's mate (I think his name was Ford) was invalided too for this heart-breaking service, and such was his abhorrence of it, that, by permission of the lords of the Admiralty, he procured two substitutes, who cost him 90*l.* a sum equal to all that with the greatest œconomy he could save in ten years from his pay. Is such a recompence for services? If meant as a benefit, as asserted by one officer, it should be optionable and not compulsive. If grievances exist, they should be examined into and redressed, that is the mode to prevent bad consequences or complaints. We have heard much about "deluding" the public; an unfounded statement can injure only the individual who makes it. These subjects are worthy of being examined by a Committee of the House, or a deputation; such as was ordered lately to Sombrero.—Although perhaps not immediately arising out of that part of the Naval Estimate, which is before us, I may be permitted to ask why are not the Ships abroad paid, as well as the Army? What inconvenience would result? We scruple not to export large sums for other purposes, less beneficial to the country than the exertions of our seamen, whose money is annually included in the Naval Estimate, although it is not paid to them.—The petty officers and seamen in the East and West Indies, Cape of Good Hope, Mediterranean, America, in fact, every where abroad, do not receive one shilling of pay until they are permitted to return to England, often after an absence of twelve or fifteen years!—The Boston's crew, who formed one half of my ship's company, joined the Pallas with nine years pay due, although the Boston had been all that time within about fourteen days sail of England! I should like to know where all this money is lodged?

Mr. *Wellesley Pole* said, that the noble lord who had just sat down, had made one of the most extraordinary speeches, that he believed had ever been delivered in that House, upon the question of the Navy Estimates. The noble lord had occupied the time of the Committee with discussing a variety of topics, which had no connection with the points then under consideration, but which it seemed of late to be thought necessary to bring before the public on all occasions, and which, indeed, had been so often obtruded upon the House, that they had become quite trite and hackneyed. He had represented ministers as totally regardless of economy, and as distributing public rewards, not for public service, but for the gratification of party feeling, and for the promotion of party purposes. He certainly should not follow the noble lord through all his deviations from the subject then under consideration, but he would, with the permission of the Committee, make some observations upon the very few remarks which had fallen from the noble lord upon the real question before the committee. The noble lord had discussed the navy pension list in a manner that did not appear to him to be very candid. The noble lord had stated different cases from the pension list, but he had omitted what in fairness he ought to have mentioned, viz. the dates of the cases which he had quoted, because, the Committee must be aware that a considerable variation had taken place in the value of money, and that what would have been a considerable provision thirty years ago, certainly was not so at present; but the noble lord had cited all the cases as if they were of recent date, and as if the present administration were answerable for them all. He would venture, however, to contend that no instance could be found in which the present board of Admiralty had not in granting rewards to officers for wounds which they had received in the service, or in providing for the families of deceased officers, gone as far as they were justified by precedent, and in many instances he would take upon him to say, higher pensions had been lately given than had ever been known before. The Admiralty acted in all cases upon one regular uniform system; when an application was made, they ordered an investigation, and proceeded according to certain rules laid down apportioning the reward according to the rank and suffering of the person who claimed the reward, without regard to any other consideration. For the accuracy of his assertions upon this subject, he would appeal to any naval officer in the House, and he was sure that not one of them would assert that the present or any board of Admiralty, had ever suffered their decisions upon cases of this kind to be influenced by feelings of a political nature. If the Admiralty did in any case deviate from the strict letter of their duty, it proceeded from their anxiety to make as large an allowance, as the nature of the case would possibly admit. He would now, with the permission of the Committee, advert to some of the cases which had been mentioned by the noble lord. One of them was that of captain Dickson, whose pension had been represented as by no means adequate to the sufferings he had undergone. The facts of this case were simply these; Captain Dickson when a lieutenant, had distinguished himself by a very gallant exploit, in which he was severely wounded. The Admiralty, upon that occasion did every thing that was in their power to do; they immediately promoted him to the rank of commander, and they settled upon him his full pay as a lieutenant, and yet the noble lord had thought proper to select this case, as one affording ground of charge against the Admiralty. Another case mentioned by the noble lord, was that of admiral Moriarty's children, whose pensions he considered as insufficient; but when the Committee was informed of the real circumstances of this case, they would see that the noble lord had as little ground for censure, as he had in the former one. The noble lord knew that the widow or children of an admiral, were not entitled, strictly speaking, to any pension. It was found, however, upon admiral Moriarty's death, that his children had been left rather in distressed circumstances, and upon application a pension of 100*l.* per annum was granted to them. Larger pensions had certainly been granted, but that was where the admiral had fallen in action when employed in active service, or had been particularly distinguished. Admiral Moriarty did not die, while on active service, nor had he ever been at sea, as an admiral. Another circumstance with which the noble lord had found fault, and upon which he had laid particular stress, was, that sir Andrew Hammond had been permitted to retire upon 1,500*l.* per year. Mr. Pole said, that it really was with the utmost astonishment that he heard the noble lord urge this as a ground of charge. Sir Andrew Hammond was a veteran of fifty years standing. During the former part of that period he had been employed in the most active service; he had distinguished himself upon many occasions, and had deservedly acquired a high reputation. During the latter part of his professional life his time had been devoted to the service of his country, in discharging the duties of the civil part of the naval department. The noble lord himself, a professional man, could not be ignorant of the eminent and important services of sir Andrew Hammond as Comptroller of the navy, and therefore he ought to have been one of the last men to censure government for permitting this distinguished officer to retire after 50 years active and meritorious service, with a comfortable and honourable provision. The noble lord had also expressed great dissatisfaction at the amount of the pensions granted to the widows of the commissioners of the navy, which he considered as much too large. The Committee however would consider, that the commissioners of the navy were chosen from the captains of the navy, of long standing, for their knowledge of the civil part of that service, and that when they accepted the office of a commissioner, they gave up the emoluments and the honours of their profession, and he was very sure that unless the temptation of a pension of 300*l.* a year for their widows, was held out to them, very few, indeed, who were qualified for the office, would consent to accept it. This was the ground upon which these pensions were granted, and he was convinced that the Committee would be of opinion that the money was wisely and beneficially laid out for the public service. With regard to those pensions which the noble lord considered as being too small, he begged leave again to state, that the present board of Admiralty was, upon all occasions, anxious to go as far as they possibly could in bestowing rewards, and upon some occasions they had availed themselves of particular precedents to grant more than was strictly justified by general usage. In addition to the pension list, the board of Admiralty had last year brought forward an establishment of a compassionate list, similar to that which had been formed for the army, thereby evincing the anxiety they felt for the comfort of the families of the officers of the navy. Mr. Pole observed, that the noble lord had brought all his observations upon the Pension List to this result; that it was clear that the merits of officers were left wholly out of the question, and that nothing but parliamentary interest and influence could gain any like justice for any officer, however meritorious his services might be; that all rewards were apportioned according to interest, and that the services of the navy were wholly overlooked, unless they were put forward by the parliamentary friends of the minister. Now this assertion of the noble lord's was most extraordinary. That such an accusation should be brought forward by the noble lord, astonished him more than the same sentiment could have done, coming from any other quarter. That noble lord, who was, in his own person, the strongest example that could be produced of the injustice of the accusation he had brought against the government. For he would venture to assert, without fear of being contradicted, that there never was an instance of more ample justice being done to the merits of any officer, or of more signal and complete rewards being conferred for any services, than had been granted to the noble lord himself by the Admiralty, when lord Mulgrave presided there; and yet the noble lord was one of the most violent parliamentary opponents of that very Admiralty. Mr. Pole said he was one of those who set a high value upon the services of the noble lord. He had, at the time they were achieved, thought them most brilliant, and he thought so still. But brilliant and distinguished as they were, he would take upon him to say, that there was not a man in the House, in the navy, or out of doors, that did not think that the most ample and complete rewards had been conferred upon the noble lord for those services, and he believed if the navy had any colour of complaint against the Admiralty on that occasion, it was rather that they had done too much than too little. That the noble lord, therefore, should be the person to assert in this House, that no officer could have justice done him, or could hope for a fair reward for his services, excepting he was a parliamentary follower of ministers, was certainly most singular and incomprehensible. The noble lord in his observations upon sinecure pensions conferred upon public men or their families, for various services, had endeavoured to hold up the House to the public as a set of men actuated solely by views of private interest, and incapable of any sentiment of public virtue, applying his observations to both sides of the House, and his animadversions on the mode of rewarding the wants or alleviating the sufferings of the navy equally to all administrations.—The noble lord, after the very extraordinary comments which he had made upon the Pension List, had thought proper to make an attack upon the Wellesley family, of which he (Mr. Pole) was a member. And the noble lord had asserted that the Wellesleys received from the public no less than 34,000*l.* a year, in sinecure places, and had proceeded to make a most extraordinary calculation of the number of arms and legs which that sum would compensate for, according to the system of the Pension List. In answer to the noble lord's assertion, he begged to state to the Committee, that there was no member of the Wellesley family, except the noble lord at the head of it, who possessed any sinecure office. That noble lord certainly did, many years ago, receive the reversion of a sinecure office (which had since fallen in) when he was about to go to a distant part of the world, in a most arduous and important public situation. He was at that time in a delicate state of health, and had a large family. Whether that noble lord, in the distant service on which he then went, had discharged his duty with advantage to the state, he must leave to the decision of the House and of the country. Whether the other branches of the Wellesley family who were now employed in the public service, had discharged their duty with advantage to the country, it did not become him to decide, but he would willingly submit every part of their conduct to the judgment of the House and of the country. With respect to himself, he never had held, nor ever would hold a sinecure office, but he never would suffer any aspersion to be thrown from any quarter upon any of his family, without boldly and fairly meeting it. He despised pecuniary considerations as much as the noble lord or any of his connections, or any other person whatever. In the latter part of the noble lord's speech, he had made some observations upon subjects connected with the practical part of his profession, and had displayed that degree of information and ingenuity which every body allowed him to possess. During the period that he had the honour of holding a situation at the Admiralty, he had frequently the advantage of hearing the noble lord's sentiments upon practical professional points, and the noble lord, he trusted, would do the Admiralty and him the justice to admit, that his opinions had been listened to with that degree of attention and respect, to which, upon such subjects, they would be always entitled. He could not sit down without again expressing his regret that the noble lord did not consult his own natural good understanding instead of suffering himself to be guided by others, who were perpetually leading him astray. There was, to be sure, a considerable degree of eccentricity in the noble lord's manner, but at the same time he had so much good British stuff about him, and so much knowledge of his profession, that he would always be listened to with great respect; it was therefore the more to be lamented that he did not follow the dictates of his own good understanding, instead of being guided by the erroneous advice, or adopting the wild theories, of others. He advised the noble lord to give up such practices. He assured him, that he would find that an adherence to the pursuits of his profession, of which he was so great an ornament, would be more likely to tend to his own honour, and the advantage of his country, than a perseverance in the conduct he had of late adopted, which was calculated to lead him into errors, and to make him the dupe of those, who would use the authority of his name to advance their own base and mischievous projects.

Mr. *Whitbread* adverted to the proposed establishment of a naval arsenal at Northfleet, which he strongly recommended as a matter now of imperious necessity, and regretted that sums were wasted in useless repairs of the old arsenals, and in other unprofitable objects, which might have gone a great way to effect this great object.

The Resolution was then agreed to, and the House resumed.

HOUSE OF LORDS.

Monday, May 14.

[CRUELTY TO ANIMALS BILL.] Lord *Erskine* rose and made various observations upon the present state of the bill he had introduced, which he was sorry he had not been able to persuade the House to pass unanimously: but, as he was disposed to do all the good he could, he hoped to be able soon to prepare some other measure on this subject, which would receive the unanimous vote of the House. He therefore moved, at present, that the order for re-committing the bill be discharged, which was agreed to.

HOUSE OF COMMONS.

Monday, May 14.

[AFFAIRS OF THE EAST INDIA COMPANY.] Mr. *Astell* presented a Petition from the East India Company, which was received and read. It took a retrospective view of the connexion between the company and the British government since the year 1793; stating, that upon the expences incurred by several expeditions which had been undertaken, debts were incurred on both sides, which were never clearly balanced and liquidated; but that a considerable balance was due to the company, which they now prayed to have examined by the House, and any balance that might appear due to them be paid.—The hon. gentleman moved, that it be referred to the Committee appointed to consider of the affairs of the East India company.

Mr. *Creevey* rose, to offer some observations upon the statements alledged in this petition. It stated, that the government was in debt to the East India company on account of the expences incurred in the late war: but their account was referred to a Committee in the year 1805, who reported that the amount of the balance then due to the company was 2,300,000*l.* Out of this they were paid two millions, and there still remained a balance in their favour of 300,000*l.* But in the next year the company produced a new statement, in which they swelled this balance to 1,500,000*l.* making their original claim, instead of 2,300,000*l.*, 3,800,000*l.* He denied that such a thing ought to have been done; it was done however, and now they came forward with a new claim for 1,900,000*l.* alleged to be due upon this stale account. They seemed totally to forget that, in fact, the public owed them nothing. He could easily understand that, wanting this sum, they preferred claiming it as a debt to asking for it in any other shape; because if it was granted to them in the shape of a debt, it would be got by a single motion; whereas, in any other way, the progress would be circuitous, and liable to be impeded by much discussion. It was now four years since any discussion of the company's affairs took place in that House; for they had been now four years without bringing forward any budget, although they had, in successive years, claimed and obtained large sums in advance, on pretence of answering the exigencies of the moment. All, in fact, that parliament knew of the East India company for the last four years was from its petitions on their journals. In the year 1807, a bill passed for enabling them to borrow 2,000,000*l.* In the following year another bill passed for enabling them to raise 1,900,000*l.*, they stated again last year, that they wanted another 2,000,000*l.* to meet the exigencies of the occasion, and yet another session had passed without their submitting to the House any general state of their affairs, owing to the want of which it was impossible for the House to come to a full and fair discussion upon a subject so important. He considered the present claim as one of the most preposterous that ever was offered to parliament, and he trusted the House would grant the company nothing until a full account of the state of their affairs was produced and investigated. The law positively required, that before any dividend was made of their profits, they should clear their accounts with the public; and yet, although no such clearance had been made, the company were now dividing on their last years profit 10½ per cent. He hoped, therefore, the House would come to some decisive issue upon the subject.

Mr. *Grant* said there was one topic from which the hon. gent. generally abstained when speaking of the affairs of the company; namely, the justice due to them. He, (Mr. Grant,) however, would maintain, that they had a just claim to a very considerable balance in their favour, that the true balance due to them in 1808, was 1,500,000*l.* and that the company had never acceded to the statement as laid down by the honourable gentleman. They desired only to appeal to the justice of the House; they asked only a fair examination of their accounts, and if any balance should appear due to them, that they might receive it. It was said on a recent occasion that the doors of that House should be opened wide to petitions, and he hoped the India company were as fairly entitled, to the extension of such an indulgence as any other description of people. If any money was due to them it ought to be paid. The hon. gent. he was sure, would not contend that no balance was due; and he trusted the House of Commons would not close its ears against just claims offered in respectful language.

The *Chancellor of the Exchequer*, in answer to some allusion from Mr. Creevey with respect to his interference in the last claim of the company for a loan of two millions, said he had not encouraged the company in that application by any thing like a pledge of the sanction of the government; nor by any opinion that the country at large would favour it; but what the House of Commons would do upon a petition submitted to them he could not say. It did, however, appear to him, that the company had a right to an opportunity of having their claims fairly examined and equitably adjusted.

Lord *A. Hamilton* expressed himself astonished at this petition. He had formerly objected to the grant of money to the East India company, unless the exposition of their affairs was laid before the House. He now wished for that exposition, before he granted any more. The whole accounts and transactions were laid down and closed by the Committees in 1805 and 1808, and he was surprised, after having read their reports, that the right hon. gentlemen opposite, on the part of government, should be found to assent to any new claim.

Mr. *Whitbread* said, although the accounts between the government and the India company had not been completely liquidated, balances ought to be struck from time to time. The hon. gentlemen opposite to him had said, that the company did not think themselves fairly dealt by in the last settlement of their account. The president of the board of controul was the same person then as now; so was the Chancellor of the Exchequer. They made no objection to the former settlement; and if that was their opinion at the time, he did not see what right the company had now to come forward, and claim a new investigation upon an account already settled two years ago. The right hon. gent. the Chancellor of the Exchequer said, that on the former occasion he withheld his own countenance from their claim. But had they no opportunity of conversation with him since? Had they not before received his formal refusal to support their claim; and yet two years after the account was closed, they were allowed to come forward with the countenance of the right hon. gent. and again set up their claim, which he considered as unfair and unadmissible by the public.

Mr. *R. S. Dundas* said, the hon. gent. was right; he (Mr. Dundas) did at that time state that the account was closed, and the reason was, that the Report of the Committee of 1805 was proceeded on by that of 1808, and the East India company denied the justice of the conclusions of that Committee, and complained of their injustice in refusing to admit their claim. They therefore now came to the House for relief, and that was the basis of their present petition. A claim was some time since made by a person of the post-office, who complained, of the injustice done to him 20 years ago, and no objection was made by the House to entertain and investigate that claim: therefore he could see no reason why this petition should not be received and attended to.—The motion was then agreed to.

[MAJOR CARTWRIGHT'S PETITION FOR REFORM IN PARLIAMENT, &c.] Mr. *Whitbread* said he held in his hand a Petition from a gentleman, who subscribed himself a Freeholder of England; but before he pledged himself to present the petition he had first read it over, in order to ascertain, whether there was in it such offensive matter as would preclude him from presenting it. He found however, according to his judgment, that it was altogether unexceptionable, and in its matter and terms every way decorous and respectful. He had therefore no hesitation in doing what was his duty in presenting that Petition to the House.—The petitioner, major Cartwright, was a gentleman of such well known private worth and respectability, that it would be the less necessary for him to advance any thing upon the score of that gentleman's individual claims to their attention. It was notorious, that he had spent a long and valued life in a steady and systematic pursuit of the great national object of Parliamentary Reform; and that a better character with regard to integrity and patriotism did not exist. The right hon. gent. might not think as highly of the claims of this gentleman. If so however, it must be clear, that he differed from his colleagues in the Admiralty, who had promoted lieutenant Cartwright, after being 48 years a lieutenant in the British Navy, and at the age of 70, made him a master and commander. With respect to the allegations contained in the Petition, with many of them he cordially concurred; upon some of them he doubted; and from a few of them he dissented; as, however, they had been all stated in terms and in a manner unobjectionable, he could not allow his dissent from a few positions in it to interfere with what he considered his duty in presenting the petition.

The Petition was then brought up and read by the clerk at the table. It stated, "That certain doctrines which have of late been maintained, and certain decisions which have of late been come to, in the House, have at length placed the long agitated question of a Reform in the Representation of the people in Parliament in a point of view, in which it cannot be rightly contemplated without affording a demonstration that the sole alternative left our country is, Parliamentary Reform, or National Ruin: how can the petitioner speak the emotions of his heart; what language can express his sentiments; when he thinks of the astonishing decision by which the House, in the night between the 11th and 12th days of May 1809, absolutely refused, by a majority of 310 against 85, to inquire into the criminal accusation, brought by a member in his place, against viscount Castlereagh and another member, one, for having sold for a sum of money a seat in the House, and the other, for a connivance at such sale: the petitioner was the more shocked at the said decision, as the viscount Castlereagh had, not long before, when under the examination of a Committee, confessed an attempt to obtain for another placeman a seat in the House, by what to the petitioner appears a double corruption, in bartering for it an East India writership, which an act of parliament had forbidden to be so disposed of; when seats in the House are bought and sold, the people, their laws, and liberties, are bought and sold: although there be not in human speech words by which the thoughts of the petitioner on this the decision of the House can be expressed, he cannot dismiss the subject without saying, but disclaiming any idea of being indecorous, that such treatment of the people is beyond endurance: after such a decision, and after inquiry into the criminal charge in question has been resisted on the ground of the sale of seats being as notorious as the sight of the Sun at noon day, the petitioner cannot remain silent on those truths of the constitution by which the dangerous error of the decision of the House, the shocking profligacy of selling seats, and the audacity of vindicating it, must be made manifest: in order to this, the House is requested to contemplate the three several species of sovereignty with which we are familiar; namely, first, the original inherent and proper sovereignty which necessarily resides in the entire mass of the nation; secondly, the legislative sovereignty, which, by delegation, resides in a Parliament of King, Lords, and Commons (being the most conspicuous and important feature of that constitution by which our nation has consented to be governed;) and, thirdly, that executive sovereignty, which, by a farther delegation, resides in the sole person of the King: if the petitioner has correctly distinguished the literal from the figurative significations of the word sovereignty, it will be discovered that a Commons House, after deducting only the royal family, the temporal nobles, and a few ecclesiastics, is intended exclusively to represent and to personify the national Majesty: it will also be discovered that such a House of Parliament is peculiarly the depository of the nation's liberty, the guardian of its property, the organ of its will; and that, in fact, it is the vital part of the state; wherefore it ought, on every principle of reason and political wisdom, in an especial manner to be securely fenced around, fortified, and at all points defended by the solemn sanctions, and the awful terrors of appropriate laws against high treason; for treason is a betraying of the state; and the first and the highest treason is that which is committed against the constitution: But, instead of the majesty of the nation being thus enthroned, instead of this palladium of its liberties being thus guarded, the nation sees the House, which ought to be an object of universal confidence, respect, and veneration, exposed to every abuse that can undermine, to every violation that can degrade, to every vice that can pollute, and destroy it: The people see it abandoned, as a common prey, to the factious borough patron and the trading adventurer, to the unprincipled sharper and the unfaithful minister, to the Asiatic nabob, and even to the hostile European despot, who all know its seats to be vendible wares, in which, through the agency of certain panders of corruption, they can place their agents; that the agent of a French king's mistress had once a seat in the House is within the remembrance, as at the time it was within the knowledge, of the petitioner, and it is well known that at one time the nabob of Arcot purchased for his agents seven or eight of those seats: the learned Blackstone hath said, that with regard to the elections of knights citizens and burgesses, we may observe, that herein consists the exercise of the democratic part of our constitution, for in a democracy there can be no exercise of sovereignty but by suffrage, which is the declaration of the people's will; in all democracies therefore it is of the utmost importance to regulate, by whom and in what manner the suffrages are to be given, and the Athenians were so justly jealous of this prerogative, that a stranger who interfered in the assemblies of the people was punished by their laws with death, because such a man was esteemed guilty of High Treason, by usurping those rights of sovereignty to which he had no title; in England, where the people do not debate in a collective body, but by representation, the exercise of this sovereignty consists in the choice of representatives; so the petitioner contends, that where a minister of the crown, or a peer or other disloyal person, either by purchase or barter, by nomination or undue influence, seats a member in the House, he by usurping a right of sovereignty to which he has no title is guilty of High Treason, and that every species of buying and selling of seats, and the interference of any person whatever, for corrupting or for violating the freedom of election, is consequently High Treason, and ought as such to be guarded against by express law: Such treasons are far more deadly than that which even strikes at the life of the executive sovereign, as in law the king cannot die, so were one king to be slain another must instantly succeed, nor would the throne be for a moment vacant, but a murdered constitution has no successor, when that perishes there is national ruin, and the betrayed people drag on in chains, in misery, in vice, and slavery, a degraded existence: having then lived to see a distinct charge of selling a seat in the House met by a vote; and inquiry into that treason borne down by a majority, we have seen enough, had we seen nought else, to prove that the sole alternative left our injured and not respected country, is a radical reform in our representation or a final extinction of our liberties: between taxation and representation there is in the English constitution and in the English mind an inseparable union, and Parliament, as it is easy to demonstrate, cannot, constitutionally, have duration beyond one year: Wherefore the petitioner solemnly protests and appeals against all treasons in the sale or barter, or disposal of parliamentary seats, and against violating in any way the freedom of election, as well as against the present unconstitutional inequality of representation and long Parliaments, as the chief causes of all the calamities our country has at any time experienced since the incomplete reformation of our government, effected by the revolution in the year 1688, and as the causes more especially of unnecessary war, a state of things most prolific of patronage, abuse, and taxation, to which such a derangement of our system holds out to corrupt ministers a perpetual, and, as it should seem, a resistless temptation: When it is said by any member of the House that a Reform in Parliamentary Representation cannot lighten the burthens of the nation, the people must have indeed a new feeling, they must feel their understandings insulted, they know that their burthens may be lightened, they know that the increase of them may be prevented, they know that such a Reform only twenty years ago might, and probably would, have averted a war that has burthened the nation with an additional debt of nearly 600 millions, and added forty millions a year to its taxes: The flagrant violations of the elective rights of the nation, the shameful inequality of representation, and the unconstitutional length of parliaments, as well as the seducing of members from their fidelity to the people by places and pensions from the crown, being obviously wrong against the constitution, against the principles of our law, against justice, against reason, against decency, and utterly subversive of public liberty, big with every species of ruin, whether pecuniary, political, or moral, and tending no less to the subjugation of these islands to a foreign conqueror than to the debasement and misery of the people and their posterity, constitute a grievance truly intolerable: wherefore the petitioner, deprecating all that metaphorical and contemptible sophistry about the constitution, by which wicked men endeavour to exhibit as a mystery that which our brave unlettered ancestors framed as a plain, practical, and honest rule of government, trusts that the House, as early as may be, will originate a law for extending representation to the same limit as direct taxation in support of the poor, the church, and the state, for distributing that representation with justice and impartiality, for bringing back parliaments to a constitutional duration, for so ordering the elections as to prevent unnecessary trouble and expence, as well as tumult, and for preserving their freedom and completing the polls in one day, and likewise for protecting from treasonable violation, by appropriate laws, the Majesty of the nation, as it ought to be personified by the House: few and simple as are these propositions, they would, as the petitioner is humbly of opinion, do more for our country, its liberties, its prosperity, and its glory, than were done for it by Magna Charta and the Bill of Rights: here, under a strong persuasion that the evils of destroyed representation had arrived at their acme, this appeal to the serious reflection of the House had actually been closed, but that erroneous persuasion has been done away by recent events, which have placed before the nation's wondering eyes those evils in still more terrific shapes, and leading to still more dreadful consequences; on the question of undefined privilege, so analogous to undefined prerogative, may it not be respectfully asked, if there either be or can be a prerogative, a privilege beyond this—a power of acting for the public good, where the positive law is silent? and again, where the law can be made to speak, can it be either necessary or expedient, or safe, that there should be any discretionary prerogative or discretionary privilege? If the law be capable of redressing a libelled sovereign, and for that cause deny to the King a privilege of being at once accuser, jury, judge, and executioner in his own cause, how can such irreconcileable powers be justly claimed by either of the other two branches of the legislature?—And would not a union of such powers constitute a despotism unknown to the English constitution, and revolting to reason? But leaving to the serious meditation of the House these important questions, in which the legality or illegality of their warrant against sir F. Burdett seems to be involved, allow the petitioner to call the attention of the House to the late military proceedings rising out of orders issued by civil authorities, and more especially to the act of breaking open, with a military force, and by violence, the house of the said sir F. Burdett —not charged with either treason or felony or a breach of the peace, and conducting him through a body of armed soldiers, drawn up in his own hall, to a carriage surrounded by an army, and so to a prison: on the flagrant illegality of such an outrage on an Englishman, the petitioner presumes there is but one opinion: it is personally known to the petitioner, that two days prior to the seizure of sir F. Burdett as aforesaid, when a number of persons assembled before his door were charged with being rioters, a body of soldiers belonging to the standing army, in military array, and under the orders of a general officer then present, were employed, and, as the petitioner humbly conceives, illegally employed, to keep the peace; and he believes the same illegal mode of keeping the peace was persevered in until the imprisonment of the said sir F. Burdett was accomplished: A standing army, although necessary for offensive war and the protection of external possessions, being yet altogether unknown to the law and constitution of this kingdom, such army not constituting part of the civil state, but being under a different command and subject to a different law, cannot of course be a legal instrument for governing the nation, that is, for executing any process of the law, or for ministerially performing any act of a civil authority for giving effect to the law, even although such act were lawful to peace officers: When an indiscreet populace, angered by violations of public liberty, or other cause, assemble together, annoy, by any species of assault, those whom they consider as their oppressors, none can deny that the law is violated, and the peace broken; but those who lead out a standing army, in full mitary array and equipment, to restore order, commit a violation of law a thousand times more criminal, and a breach of the peace ten thousand times more violent and alarming: A rabble of idle men or unruly boys might on a sudden daub our clothes, demolish our window glass, and assume a momentary authority; but an organized *posse comitatus* would instantly restore peace, and the dominion of the law; whereas, when a standing army, assuming the office of our protector, subjects us to a government of ball and bayonet, then indeed our constitution is foully stained, liberty is stabbed, and the law itself is demolished! The sword may indeed again return to its scabbard, and the soldiery retire to their barrack fortresses, but, if their re-appearance be to depend on the discretion of any, from a police magistrate up to the King, is not this military government? It is not surely with discretionary power thus despotic that parliamentary privilege, forgetting its own defensive nature, will claim to have kindred, or seek to hold fellowship. The English government is itself only to blame, if its legal means of suppressing riots, by a resistless county power, be not at all times, and in all places, in perfect readiness at a call for preserving the public tranquillity; shall it claim to use for this purpose the military force of a standing army, because it has purposely and insidiously kept the civil power in a state of inefficiency? Shall it first cripple the law and then claim to use an army for our government? If then our rulers have, and particularly for the last thirty years, against law, against remonstrance, against exhortation, intentionally left the county power which is vital to our constitution, in its shamefully neglected state, and have on all occasions of trifling disorders in our streets, disorders to which their own neglect of duty gave birth, got into a constant habit of illegally introducing the standing army for restoring quiet, what is the obvious inference to be drawn from this constant practice; here the House is implored to reflect whether without being misled by names or appearances of any kind, it must not be acknowledged that a state is in reality under a civil or under a military government, as for the ultimate inforcement of its laws, if resort be had to a civil power or to a military force, and the House knows that civil government alone is free government, military government rank despotism: having thus established the principles whereby to judge, the character of the proceedings for executing the late orders of the House, will now be easily determined; the Serjeant at Arms solicited and obtained for this service an army, including all the troops on their march from country quarters, for supporting those within the metropolis, the whole is generally believed to have exceeded 34,000 men, beside an ample train of artillery, a greater force than that with which an English King defeated 100,000 French at Cressy, and an army which in this instance could have no other object than to overpower or to kill all such as might have attempted to resist, by force, the execution of the order of the House; the House is therefore intreated to give mature consideration to the following queries: If a standing army be unknown to the law and constitution of this kingdom, must not its employment, under pretence of inforcing law, be in fact the greatest of all violations of law, and an actual subversion of the constitution? Is it not the duty of every man within the ages of 15 and 60, as a member of the county power, to resist by force a breach of the peace; the breaking into a house, or any act of illegal violence against a fellow subject whether the peace breakers or the house breakers or other violaters of the law be or be not soldiers? If any person or person defying the law should determine to perpetrate acts of illegal violence in open rebellion against law, and should, with an intent to overpower or to kill all persons who should attempt to resist them, put themselves at the head of an army of mercenary soldiers, and by means of such army should actually carry their illegal and violent designs into execution, would not this be of open deed levying war against our lord the King in his realm? Is not such levying of war of open deed among the treasons enumerated in the statute of 25 Edward III.? Must not the killing of any of the people by an army while so acting be murder? Must not all the soldiery of such army, present at any such murders, be in law principals, as well as those under whose orders they should act? Considering how much the soldiers of a standing army are machines and instruments in the hands of them who command, must not those who give them orders be the most criminal parties in any such murders? And whether in the present circumstances of this kingdom, considering the immense number of native soldiers under a different command from that of the civil magistrates, and subject to a different law from that of the civil courts, and the vast addition of foreign mercenaries born under arbitrary power, and as soldiers doubly enslaved, a military despotism, as rigorous as that of France, can possibly be averted, but by restoring to full vigour and energy the county power, as thirty years ago was earnestly recommended and urged by sir William Jones: Wherefore the petitioner trusts that in the present awful crisis of our country, the House will take in good part his dutiful expostulations, cheerfully relinquish every unconstitutional claim of power, heal our distractions, and preserve our liberties, by exerting all its energies for restoring our two-fold constitution in its most vital organs, its Commons House, and its County Power."

Mr. *Whitbread* moved that the petition do lie on the table.

The *Chancellor of the Exchequer* said, that after the recent decisions of that House upon petitions not couched in respectful language, it was unnecessary for him to do any thing more at present, than merely to advert to two offensive passages in the petition just read, which, in his opinion, were conclusive against its reception.—The first passage was, that which referring to the vote of last year (the decision on Mr. Madocks's motion of last session) pronounced it beyond endurance. The other in referring to the vote of that House for the committal of sir F. Burdett, characterised it as an act of flagrant illegality. Indeed, if the House were to encourage the presenting of such long petitions, from an indvidual, as that then presented, it may, for the future, expect to have others presented lengthened out into folios. But confining himself to the two insulting passages to which he alluded, he felt himself bound to oppose the motion that it should lie on the table.

Mr. *Whitbread* begged to assure the House that it was his firm persuasion that the gentleman whose petition he presented, had no wish either directly or indirectly to insult that House. From such a charge the character, the whole political career of the petitioner, as visible in his actions, as illustrated by his public conduct, and expressed in his writings, ought to protect him. His only object was to take constitutional means of putting upon record his own opinion of the passing events of these times. In stating that opinion, the petitioner felt he did it respectfully, although he would not consent to adapt his style or regulate his sentiments according to the newfangled doctrines of the Chancellor of the Exchequer and his associates—of that Chancellor of the Exchequer, who, not satisfied with his opposition to throwing the doors of that House open to the prayers of the people, nor with his fastidiousness as to the language of petitions, had on that night found a new ground for rejection, merely, because the petition of a subject was rather of greater length than was ordinarily presented, and that consequently it would occupy too much room upon the journals of that House. The objection made to the words, "past endurance," could not be for one moment supported. A House of Commons, putting the conduct of the present out of all question, might have done and had actually done things, which ought not to have been endured. If the fact was so, ought not the people to complain, and if they thought their acts intolerable, why deprive them of the opportunity of stating their opinions, that they were so? If such a state of events had taken place in the country, that it was almost its general opinion that the conduct of that House was past endurance, would it not be more wise and more politic to receive the petitions of the people, acquainting it that such was the public opinion, rather than by a denial of all redress, to almost urge the people to acts of open violence? Was it by the denial of redress and the refusal ever to hear the public complaint, that the Chancellor of the Exchequer would convince the people that the conduct of that House was to be endured? You may put the victim upon the rack; his complaints and cries you may refuse to hear, but you cannot prevent death to take place in some of the paroxysms of his suffering. It was so with that House. It might inflict; the country would complain; by that House their prayers may be disregarded. Their grievances may be multiplied, but the constitution must expire. But with respect to the words themselves, what was more common in the ordinary phraseology of language? Was it not every day heard, when schedules of income tax, assessed taxes, and the catalogue of imposts were sent out, to draw the last shilling from an aggrieved and burthened people;—was it not the common, the heart-felt observation, that such things were past endurance? But, in the reference made in the petition, the language could be only considered figurative, inasmuch as the evil so complained of had been endured. The next objection referred to the manner in which the petitioner spoke of the conduct of that House towards sir F. Burdett. He stated it to be, in his opinion, an illegal act. Was this a ground for refusal? Had not the subject a right to state his opinion upon every proceeding of that House? But above all, might he not be allowed to deliver a speculative opinion upon that very question, which by a vote of that House was now sent to a court of law, in which court its Speaker was desired to enter a plea? Under such circumstances, to refuse to receive the petition of a subject, was going to an extent which never could be supported.

The *Chancellor of the Exchequer* explained. It was not for doubting or questioning their privileges that he objected to the petition. It was for directly asserting that there was but one opinion, that they were illegal, and that the acts of the House were so outrageous, as to be past endurance.

Mr. *Brand* maintained that it was the undoubted right of the subject to question every act of authority of the House, or any other branch of the constitution. He should, therefore, be sorry if the petition were rejected on that account.

Mr. Secretary *Ryder* thought the expression "past all endurance," fully sufficient to warrant the rejection of the petition. If the House permitted such insulting language, they would deserve to receive it.

A division then took place—For receiving the Petition 32; against it 91.

[Duke of Brunswick's Annuity.] Mr. *Tierney* rose, in pursuance of a notice he had given on a former day, to move an humble Address to his Majesty with respect to the pension granted to the duke of Brunswick Oels. He regretted that it was necessary to bring a motion in the present shape before the consideration of parliament. He should have hoped that, after the very liberal conduct of parliament towards the civil list at a time not long past, some means might have been provided for affording a sufficient relief to the duke of Brunswick, in his present circumstances, without coming to parliament for another grant of public money. It was for his Majesty's ministers to consider whether it was wise or prudent for them to expect parliament to give money merely because they were asked for it. When he recollected that, within the last two years, no less a sum than 10,000*l.* per annum was voted for the duchess of Brunswick, he thought that if there had been any other mode of providing for his highness without laying additional burdens on this country, it should have been resorted to. The large pension which had been granted to the duchess of Brunswick was voted by that House, unanimously, as he believed, and without any observations. As to his highness the duke of Brunswick Oels, although he had as high a respect for his rank and character as any man, yet he did not conceive that his claims were of the same nature as that of the duchess of Brunswick, the sister of the King. He, however, had made no objection to the pension of 7,000*l.* voted to his royal highness from the consolidated fund. He knew that the consolidated fund was much the best security upon which a pension could be charged, as it would be regularly paid. But while, for this reason, he agreed to the pension being secured in that fund, still if any other means could be pointed out for indemnifying that fund for the burthen so thrown on it, he thought such means ought to be had recourse to. The pension might have been secured on the civil list, or the 4½ per cents. without burthening the consolidated fund; but ministers, however, thought proper to come to parliament, and to propose it as a matter of course to throw it upon the consolidated fund. Now, if any other fund could be shewn to exist sufficient to relieve the country of the burthen of this pension, and he understood that the Droits of Admiralty were sufficient for that purpose, (the Chancellor of the Exchequer appeared not to assent) he thought that such fund ought to be applied to that purpose. He hoped that gentleman would not so far misunderstand him, as to suppose that he meant that the pension should be charged on the Droits of Admiralty, but he did think that a certain portion of them ought to be paid into the consolidated fund, for the purpose of indemnifying it for the burthen so thrown upon it. He could not see any more wholesome application of those Droits, which were supposed by many to be the absolute property of the crown, than to be applied towards making a suitable provision for so near a relation to his Majesty. The right hon. gent. concluded by moving, "That an humble Address be presented to his Majesty, to represent to his Majesty that we have proceeded to take into consideration his Majesty's most gracious Message relative to his serene highness the duke of Brunswick Wolfenbuttel: To assure his Majesty, that we participate in his Majesty's anxiety to make such provision as may be suitable to the rank and to the misfortunes of a prince so nearly allied to his Majesty's throne, and for whom his Majesty's feelings are so strongly interested: humbly to acquaint his Majesty, that with a view to secure to his serene highness a settled income, the payment of which shall be regularly made, we have granted to his serene highness an annuity of 7,000*l.* charged upon, and payable out of, the consolidated fund: to represent to his Majesty, that while we are thus anxious to shew our attachment to and respect for his Majesty's illustrious House, we feel ourselves called upon humbly to submit to his Majesty's gracious consideration the heavy and increasing burthens to which his Majesty's faithful subjects have been and still are exposed in the prosecution of the war against France, burthens which we know not how to alleviate, but which we are bound by our indispensable duty not unnecessarily to augment: humbly therefore to implore, that his Majesty will be graciously pleased to direct that from the money at the disposal of the crown from the droits of admiralty, such a sum be paid into the consolidated fund as may be equal to the value of the annuity proposed to be charged upon the same for his serene highness the duke of Brunswick."

The *Chancellor of the Exchequer* considered that an application to his Majesty of the nature contained in that Address would be perfectly novel, and such as had never before been adopted by parliament. He considered that if the House really agreed with the substance of the Address moved, it would be a more gracious, or rather a less offensive manner, to seek their wishes, by addressing his Majesty at once to grant such a sum out of the droits of the admiralty for the general service of the country, and not for this particular pension. The Address was indeed curiously constructed. It began by taking great credit to the House of Commons for the liberality they displayed in the grant, and for their anxiety in securing a provision for a prince so nearly allied to his Majesty, and yet immediately after taking this credit for liberality, it turned short round upon his Majesty, and requested that he would pay them the whole amount of what in their liberality they had just granted. It must be recollected, however, that out of the droits of admiralty his Majesty had recently given large sums for the general service of this country. Between 3 and 400,000*l.* had been given on account of the prizes taken at Copenhagen, which otherwise must have been purchased from the captors, at the expence of the country. The right hon. gent. had stated that two years ago, no one objected to a pension of 10,000*l.* a year then granted to the duchess of Brunswick; and yet the same application which was made now might have been made then, and perhaps with greater force, as she was nearer allied to his Majesty. If the duke of Brunswick had been no relation of his Majesty, still from his sufferings he had a claim to the generosity of the English nation. Such claim had been allowed to other royal and distinguished persons, who, driven from their dominions and estates, had sought shelter in this country. It must also be recollected, that the annuity was only contingent, as it was to last no longer than the continent remained in the present unsettled state, and, therefore, it would not be easy to ascertain what sum from the droits of admiralty would be an equivalent for an annuity so circumstanced.

Mr. *Creevey* would not by any means admit that the droits of admiralty were the absolute property of the crown. He thought, that when the king accepted a fixed annual income of 800,000*l.* it was supposed that he had given up all other claims. It never could be conceived at that time that such a sum as seven or eight millions could get into the hands of the sovereign, after the commutation which had been made. Although the law officers said that this was completely and absolutely the King's private property, what would be thought of such a sum being devised by will to persons out of the country? In the year 1763, his Majesty acted with respect to those droits of admiralty in a manner that he wished his ministers had now advised him to act. He then gave up the whole of it to the public service. An hon. friend of his (sir F. Burdett) had on a former occasion made a motion respecting those droits, and had intended, if it was not for the circumstances which prevented his attendance in parliament, to renew the subject in the course of this session. Many sums had, it was true, been granted out of the civil list, and among these sums was a grant of 25,000*l.* to sir Home Popham. When it was considered how this House had, over and over again, assisted the civil list; when it was considered how they had, over and over again, made the most liberal provisions for every branch of the royal family, and even what large sums it had voted to pay their debts, he thought that no unnecessary burdens ought now to be laid upon the country, but that the droits of admiralty ought to be applied in the present instance.

Mr. *Huskisson* said, that notwithstanding the commutation by which his Majesty received a fixed income in lieu of the crown lands, there were many other branches of his revenue which he held *jure coronæ* which he had not given up. Amongst them were the 4½ per cents. and, as he conceived, the droits of the admiralty. Nevertheless, if there did appear any specific fund which was adequate to the payment of the pension, the House might well take that into their consideration before they threw the burthen on the consolidated fund. When the House agreed to transfer the pension of 9,000*l.* of the late duke of Gloucester to the consolidated fund, it was from the consideration that the 4½ per cents. on which it was previously settled, would not secure the regular payment of the pension; but if there could at that time have been pointed out a large fund, such as the droits of admiralty were at present, it was by no means clear that the House would have agreed to transferring it to the consolidated fund. If there was a large disposable fund in the hands of the crown, ministers ought to advise his Majesty to apply part of it to the purpose stated in the motion. In 1763, it was true that the whole of these droits were given to the service of the public generally, but nothing was given to the captors. Of the droits, however, which had accrued during the present war, very large sums had been given to the captors, and at one time a million was given to the public service. He still thought that as it seemed to be admitted by his Majesty's ministers, that there was a considerable disposable fund derived from those droits, the consolidated fund should be indemnified from thence for the additional burthen which was now to be thrown on it.

Mr. *R. S. Dundas* maintained the strict right of the crown to dispose of this fund in any manner that it might think proper. As to the fixed allowance which has been made to support the King's civil list, it had been always found insufficient, as it was impossible that the same sum of money could now support the same establishment, which was reckoned necessary to support the due splendour of the throne about half a century ago. The consequence was, that frequent applications had been made to parliament to defray the debts necessarily contracted in the maintenance of the civil list. He thought the droits of admiralty might best be applied in supplying the deficiencies of the civil list, and preventing future embarrassments, or applications to parliament.

Mr. *Brougham* represented it as a most dangerous doctrine and unconstitutional in principle, to permit the crown to amass large sums of money, over which the parliament should have no controul. It would have a tendency to make the crown independent of the parliament. A King might go to war for droits of admiralty, It was no imaginary case. Charles the second had gone to war for the purpose of obtaining the Smyrna fleet. Parliament should always have the right to know what were the sums composing this fund, and how they were applied. He agreed that some provision should be made for the duke of Brunswick; but the question was, whether the country was to be called upon to supply it from its own pocket, at such a time, or whether it would not be better to resort to the alternative proposed? He would support the motion, even if there were no other grounds to go upon than the breaking in upon the droits of admiralty, which had in a former case tended in a great measure, to plunge the country into a war, the most disgraceful and disadvantageous to it.

Mr. *G. Johnstone* said, that the droits of admiralty had been considerably increased in value since the change with respect to the emoluments of the captors of prizes had taken place; and that, in consequence of that change, the sum could be easily reimbursed to the consolidated fund. The liberality of the House had been fully evinced by the various grants that had been made to those who had not claims of so strong a nature as the duke of Brunswick; and, from whatever fund the sum would be eventually paid, he was convinced that that liberality would suffer no diminution.

Mr. *Hawkins Browne* agreed in the principle of not increasing the burdens of the people, but conceived that the droits of admiralty were not the fund which should be meddled with upon the occasion of the grant to his serene highness. He conceived that, perhaps, if the right hon. hon. gent. (Mr. Tierney) had asked for the full amount of the droits of admiralty, his purpose would be satisfactorily answered.

Mr. *Tierney* said, that the Chancellor of the Exchequer had only made one or two objections to the motion, and those objections were utterly destitute of arguments. He had never seen a greater instance of the uneasiness of a person who wished to get rid of a question, and who could not succeed, than the right hon. gent. exhibited. The House had been asked for a grant of 7,000*l.* per annum, that grant was agreed to, and it was observed, that there existed means of a reimbursement of that sum; the House was then surely very pardonable in seeking the means by which such reimbursement should be effected. If the crown possessed a capability of repayment, that addition of burden should be taken from the people. It had been said that his conduct in the framing of his address, was such, as to give offence to the crown. It was no such thing. If the crown would not speak to him, he would speak to the crown. If ministers would not interfere upon the occasion, in suggesting to his Majesty the proper mode of conduct to be observed, he would himself make such suggestions; but no disrespect was by any means intended to his Majesty. It had been said, that if a general address for the application of the droits of admiralty to the relief of the public burthens had been moved, more certain success would have been the consequence. He certainly agreed in that assertion; and he would lay aside his present motion, if he was certain of the right hon. gent.'s aid and support upon a proposition to that effect. The cases of the duchess and duke of Brunswick were very different; and if the former was allowed most liberally, that was no reason that the latter should meet with the same treatment. He was firmly convinced that the crown was possessed of money sufficient to reimburse the consolidated fund; and therefore was determined to take the sense of the House upon the question. The House then divided, when there appeared.

For the motion	86
Against it	103
Majority	—17.

HOUSE OF LORDS.

Tuesday, May 15.

[GAS LIGHT BILL.] The Earl of *Lauderdale* objected, that from the largeness of the capital of this company a complete monopoly would be insured to them, to the detriment of those persons who had expended considerable sums of money in making experiments, and those who at any future period might make experiments. It would also be seen by the evidence relative to this bill, that in the quarter where this mode of lighting had been tried, a most disgusting nuisance had been created, and it was to be observed that, under the provisions of the bill, if any district or parish made application for this mode of lighting, that the company were to have a monopoly in such district or parish for 14 years, and to be at liberty to open their streets to lay down their pipes: conceiving, therefore, that this would be in fact a very improper monopoly, and that a great nuisance would be generated, his lordship moved to postpone the second reading for three months.

The Duke of *Athol* contended, that the capital of the company being limited to 200,000*l.* there was no danger of a monopoly; as to the evidence referred to by the noble lord, he urged that it could not regularly be commented upon, as there was no evidence before the House relative to the bill. With respect to the objection of nuisance, he conceived that if any nuisance existed, there were legal means of getting rid of it. All he wished at the present moment was, that the bill should be allowed to go to a committee, in order that their lordships might hear evidence respecting it, and thus be enabled to form an opinion upon its merits.

The House divided on the question, that the word 'now' stand part of the question. Contents 32. Non-Contents, 12. The bill was then read a second time and committed.

HOUSE OF COMMONS.

Tuesday, May 15.

[DISPUTE WITH AMERICA.] Mr. *Whitbread* seeing the late Secretary of State for foreign affairs in his place, would beg leave to say a few words with regard to the opinion he had formed upon the correspondence between that right hon. gent. and Mr. Erskine relative to the late negociation with America which had been laid before the House in the present session of parliament, and he trusted to the indulgence of the House to be allowed to state it, although he certainly did not intend to conclude with any motion. The statement made by that right hon. gent. (Mr. Canning) had been, that Mr. Erskine had not only not acted in conformity with, but had acted in direct contradiction to his instructions; and in another letter he had asserted, that Mr. Erskine had departed widely both from the letter and the spirit of his instructions. This from every thing which he then knew, he had taken the liberty to question, and then the right hon. gent. said, that the question as relating to himself was neither more nor less than whether he had told a direct falsehood in the face of Europe and the world. To this he could answer, that no such charge had ever been made, or ever insinuated, against the right hon. gent. He was not aware——

The *Chancellor of the Exchequer* spoke to order. If the hon. gent. had no motion to submit to the House, such observations as those which he was making were calculated only to produce an irregular discussion.

Mr. *Whitbread* allowed, that if the House stood on their precise forms, he would be precluded from making any further observations; but he threw himself on their indulgence, to which he conceived himself to be the more entitled, as his object was to shew why he was desirous, on a consideration of all the circumstances of the case, that no motion should be made on the subject to which he had called their attention. He presumed that the House would grant to the right hon. gent. (Mr. Canning) a similar liberty in reply. What he would say, if he were permitted to do so, was, that on attentively reading the papers to which he had alluded, he did think that Mr. Erskine had not complied with the letter of his instructions; and he also thought that any individual by whom those papers alone were read would be justified in entertaining the opinion that Mr. Erskine had not acted up to the spirit of his instructions. Yet he for his own part altogether agreed in the vindication of his conduct, which had been offered by Mr. Erskine in a dispatch which was now published, but which had not been before the public last year; and thought, that the spirit of the instructions taken altogether had been complied with. But the instructions themselves appeared to him to have been drawn up and framed without a due attention to the power vested in the executive government of America, and without adverting to the specific provisions of an act of congress. Moreover, if the right hon. gent. had continued in office he should perhaps have thought it right to make some motion upon these papers; because it appeared to him that another favourable opportunity of placing this country and America upon that amicable footing upon which it was most desirable they should stand, had been lost by the total rejection of Mr. Erskine's arrangement, by the right hon. gent. But as he understood the negociation between this country and America to be still pending, and that it had been conducted lately in a manner perfectly smooth and satisfactory, and the more satisfactorily because that right hon. gent. was not in office, on public grounds he should think it unadvisable to agitate any question relative to America at present. And as for Mr. Erskine he did not think it necessary any specific motion should be made, as his vindication of himself was now before the world. He imagined the right hon. gent. would be satisfied also with his own exposition of his own case; if otherwise, it was competent to him or to any other member to make such motion he might think proper on the subject.

Mr *Canning* appealed to the justice of the House, on the extraordinary situation in which he had been placed by the conduct of the hon. gent. On the last day before the holidays, the hon. gent. (having before in no obscure terms hinted at the same thing), declared that he (Mr. C.) had asserted that which was not true when he had stated that Mr. Erskine had acted contrary to his instructions. After such a declaration he thought, that he was intitled in fairness to expect, either that the hon. gent. should support his declaration by arguments and facts in a manly manner, or that if convinced of its fallacy, he should come forward and candidly disavow it. In stating it to have been represented by that hon. gent. that his assertions were not true, he had never meant to say, that that expression was applied to him personally, or in a way that affected him as a gentleman, but only in his official capacity, most importantly as affecting the interests and character of the country, and also in another view (which he should be one of the last to disregard), as traducing the character of another individual. That individual he had neither traduced nor misrepresented. He had affirmed, and armed with the documents on the table he would fearlessly re-affirm, that Mr. Erskine had acted in direct contradiction to his instructions, and had deviated both from their letter and from their spirit. Mr. Erskine had not only done that which he was directed not to do, but from that which he had been directed to do, he had abstained. This he was ready to establish by argument, whenever Mr. E.'s friends or his own accusers would give him an opportunity of doing so. If the hon. gentleman opposite were not more satisfied with the documents than his speech that night showed him to be, he would tell him explicitly that he would accept of no compromise. Labouring as he had done so long and so anxiously under circumstances of peculiar provocation, he had carefully avoided using a single word of unkindness or disrespect towards the individual who was the subject of the present observations. His business with Mr. Erskine was merely with a gentleman acting under him in his official capacity. So far was he from permitting any political differences to induce him to advise the recal of Mr. Erskine, or the substitution of another minister in America, that he appealed to Mr. Erskine himself, whether those who felt most warmly for his interest and honour could have treated him with more kindness, attention and indulgence? But whether Mr. Erskine, to whom he was a stranger, or the dearest friend that he had upon earth, were involved in a question connected with the public interest, committed to his care, he never could allow any private consideration to interfere with the faithful and conscientious discharge of his public duty. He had never withheld his official disapprobation from those whom he most loved, if they appeared to him deservedly to incur it; nor had he ever gone out of his way to express that disapprobation, because the individual on whom it fell was of political opinions different from his own. He was confident that on that ground his character and conduct while in office would bear the strictest examination. When so many months had elapsed after the return of Mr. Erskine during the whole of which time the grossest misrepresentations had been circulated against him, and when the documents, by which the whole affair was elucidated, lay on the table, was it just that he (Mr. Canning) should be left without either an opportunity of publicly refuting it, or a retractation of the charge? On the one hand, the discussion would enable him himself to prove the fallacy of the accusation preferred against him, or on the other hand a frank avowal of that fallacy by his accusers would prove to the world how unfounded had been the charge. He returned the hon. gent. therefore no thanks for the little mixture of candour in his observations. The fact was that the hon. gent. could not, dare not, maintain his original position. He was ready to meet him upon the subject whenever he chose. That was the sort of reception which he gave to the overture of the hon. gent. to pass the matter by without debate. If the hon. gent. should change his mind, he repeated that he was ready to meet his arguments whenever he might chuse to advance them; or the arguments of any other friend of the hon. gent. in question, respecting whom he trusted that no disrespectful expression had escaped him, although he had felt it his duty to advise his Majesty to recal a minister who had so directly disobeyed his instructions. He should have given his Majesty expressly the same advice, had that minister been connected with him by the closest ties of friendship or consanguinity. He begged pardon of the House for having presumed to trespass so long upon their indulgence, but trusted they would recollect that the charge which had been preferred against him was of a most serious nature. He had been accused not of official misconduct merely, but of conduct which, if it could be established, would prove him wholly unworthy of that office, the functions of which it would in that case appear he had most grossly misused.—Whether the hon. gent. brought forward the question, or left it where it was, he trusted that he should now stand equally justified in the opinion of the House and the country.

Mr. *Whitbread* declared that he had offered no compromise whatever to the right hon. gent. His thanks he did not expect, and he was surprised at his allowing that he (Mr. W.) had mixed even a little candour in his observations. He should not bring forward any motion on the subject, because he did not think that Mr. Erskine required any more to be said in his vindication. But if the right hon. gent. feeling that his own conduct required further defence, and regardless of the existing circumstances between the two countries, was disposed to submit to the House any proposition upon the subject he should always be ready to meet it.

Mr. *Morris* begged to say a few words, although he was aware that a regard to the forms of the House would render it impossible for him to go into the subject as he wished. He expressed his surprise that the right hon. gent. had treated the question as having at any time assumed the aspect of a personal difference between that right hon. gent. and Mr. Erskine. He had never so understood it. He certainly did always consider that the right hon. gent. ought to have laid on the table all the documents upon this subject, or that—

Mr. *Canning* spoke to order. There was a regular charge preferred against him of official misconduct in a discussion studiously divested of the forms of debate. He had never treated the question as one of a personal nature between Mr. Erskine and himself, but—

The *Speaker* here interposed, and prevented any further conversation. He expressed his hope that what had occurred would induce the House in future not to entertain any discussion without a distinct question before them, and would convince them of the practical wisdom of their own rules upon that subject.

HOUSE OF COMMONS.

Wednesday, May 16.

[BUDGET.] The House having resolved into a Committee of Ways and Means, to which were referred the account of the Public Debt, and the other Public Accounts usually referred to that Committee preparatory to the Budget,

The *Chancellor of the Exchequer* rose to submit to the consideration of the Committee a general statement of the supplies and ways and means of the year. In doing this, and laying before the Committee, as it was his duty to do, a detailed exposition of the financial circumstances of the country, he should not confine what he had to say to the bare statement of the revenue, but at the same time exhibit a general view of the trade and commercial situation of the country. The accounts on the table, which had been refered to the Committee for consideration, would, he was persuaded, in this respect be found highly interesting in their general results, and particularly applicable to the subject to which he was now to draw the attention of the Committee. He thought that they would not only afford the best means of forming a correct judgment how far the country was able to support its present burthens, but that they would be the best answer to those who were accustomed to take gloomy views of the financial situation of the country. They would shew, that so far from there being a reason to apprehend any thing like decay or failure in our finances, the more we looked at them, the more reason would we have to be satisfied with their growing improvement and prosperity. It would be highly satisfactory to know, that such had been the produce of our revenues in that year—that very year when men of great weight and authority in that House anticipated a failure, that instead of the deficit they apprehended, there had actually been a very considerable increase. Those points however he should not then stop to examine as he should have occasion to dwell on them at more length in another part of his speech as more immediately connected with the ways and means.—He should, therefore, without further preliminary observation proceed to state the supplies already voted and also the ways and means by which he proposed to cover them,

SUPPLIES, 1810.

Navy (exclusive of Ordnance Sea Service)			19,238,000
Army (including Barracks and Commissariat)		13,953,606	
Ditto Ireland		2,992,057	
Ditto Extraordinaries, England	2,750,000	2,950,000	
Ireland	200,000		
Unprovided ditto last year		441,417	20,337,000
Ordnance			4,411,000
Miscellaneous (about)			2,000,000

Vote of Credit,		
England ...3,000,000 Ireland ... 200,000		3,200,000
Sicily		400,000
Portugal		980,000
Joint Charge...		£50,566,000

Separate Charges.

Loyalty Loan	18,776	
Interest on Exchequer Bills	1,600,000	
		1,618,776
Total Supplies		52,185,000
Irish Proportion		6,106,000
England ...		46,079,000
Irish Proportion of £50,566,000	5,936,000	
Ditto Civil List and other charges	170,000	6,106,000

To meet these Supplies, the Ways and Means were as follows :—

WAYS AND MEANS.

Annual Duties	£3,000,000
Surplus Consolidated Fund 1809	2,661,602
Ditto 1810	4,400,000
War Taxes	19,500,000
Lottery	350,000
Exchequer Bills	*5,311,600
Vote of Credit	3,000,000
Loan	8,000,000
	£46,223,202

* The Exchequer Bills funded in the present year amount to		8,311,600
The like amount to be issued for the service of 1810, will be applied,		
To discharge Vote of Credit Bills 1809	3,000,000	
Towards the Supply of the Year	5,311,600	
		8,311,600

The total of ways and means, as the Committee must perceive, would afford a surplus of 141,202*l.* above the total amount of the supplies.

Having thus laid before the committee a general statement of the total amount of grants of supplies and of the ways and means to meet them, it became his duty next to make some observations on the different items. As to the first two items of the ways and means, it did not occur to him that it was necessary to make any particular observations with respect to them at present. But with respect to the war taxes, he felt that it would be incumbent upon him to state to the House those reasons which made him conceive himself warranted in taking them at the amount that he had stated. The war taxes had last year produced 22,707,000*l.* The produce of the tax upon property actually paid into the treasury in the last year was 13,751,233*l.* of which sum the assessment had only been 11,400,000*l.* The excess of the receipts above the assessment of the year was consequently 2,351,233*l.* It would not, however, be reasonable to calculate upon so large a receipt in the present year, as the excess of the receipts above the actual assessment consisted of arrears of former years which had been collected with great activity and success. Such indeed had been the activity used in the collection of the arrears, that there were now none due of a later date than the year 1807, and the particular arrears which now appeared to be due were as follows: for the year 1807, the arrears were 409,923*l.*; for the year 1808, 530,368*l.*; for the year 1809, 1,540,750*l.*; and for the present year 6,241,405*l.* This last sum, however, could not properly be called arrears, as the assessment for the year 1810 was made up to the 5th of April, which was only last month, and that assessment was now in the regular course of collection. It was, therefore, hard to state whether there were any arrears properly belonging to the year 1810. Since the year 1804 there had been granted on account of the war taxes altogether 115,880,000*l.* of which there had been received 107,441,478*l.* leaving a total arrear of 8,437,522*l.* of grants unsatisfied.

This balance however was to be deducted from the arrear of assessments outstanding at the same period	9,326,000
	8,437,522
Leaving a balance applicable to the service of the year, of	889,478
To which was also to be added, the amount of the war tax on tea, formerly postponed	400,000
Total of the sum to be added to the produce of the property tax this year	1,289,478

He now came to consider of the war taxes of customs and excise, and in doing this he would take the average of the last three years.

Of the year 1808 the produce was...£.	9,018,201
The year 1809 produced	8,806,895
The year 1810	9,356,309
Total	£.27,181,405
Of which the average was	9,060,000
And this he would take as the amount of the total receipts of the customs and excise for the present year; to which add the sum before mentioned, as the assessment of the property tax, to the same amount as last year	11,400,000
Making together	20,460,000

And having added the balance he had just stated, as applicable to the service of the year	1,292,000
The total produce of the war taxes for the year would be found to be	21,752,000
But from this was to be deducted the amount pledged for the Loans of 1807 and 1809	2,240,000
Leaving a balance for the year of	£.19,512,000

With respect to the lottery, he knew an honourable gentleman opposite him (Mr. Whitbread), was still positive in his intention of opposing the raising of any sum of money whatever in that way. But whatever weight his objections might ultimately have, he was sure the honourable gentleman would be much gratified to find, that many of the most serious evils which were formerly attendant upon lotteries, had been, in a great measure, if not wholly, removed by different suggestions and regulations which he himself had made. The new plan, of having the whole lottery drawn in one day, cut up by the roots that system of insurance upon the drawing of the lottery, which had produced such mischievous effects among many of the lower classes of the community. When the drawing of the lottery continued many days, it was hardly possible to prevent illegal insurances: and the great mischief attending them was, that the poor were often induced to risk all that they were worth, and expose themselves to absolute ruin, in the hope of recovering their first losses. The destruction of insurances therefore had almost entirely removed those evil consequences which had been complained of in former lotteries. He did not think, for his own part, that giving up the lottery altogether would by any means destroy the spirit of gaming among the lower orders. He thought on the contrary, that it might drive many of them to modes of gambling, which would be much more pernicious to them, as partaking of the evils attending insurances, without the slightest possibility of gain. He meant the little goes, and things of that description. He trusted therefore that, when it came to be argued, the House would still be of opinion that this source of revenue should not be abandoned.

As to the large sum of 8,311,000*l.* in exchequer bills funded, he had already stated that the vote of credit of the last year had been defrayed from these exchequer bills. And as to a vote of credit for the present year, he did not think it necessary for him to use any particular arguments to recommend it. He trusted the House would perceive the necessity of granting the usual vote of credit in the present state of the country, and the circumstances and situation of the world in general.

He came next to the consideration of the loan, consisting of eight millions for the service of Great Britain, and four millions for the service of Ireland; and he had the satisfaction to inform the committee, that he had contracted for the twelve millions that morning, on terms infinitely more favourable to the public than had ever been, at any former period, known. The terms he had proposed as the basis of the law, were to give for every 100*l.* subscribed, 130*l.* in the 3 per cent. reduced stock, and to take the bidding in the 3 per cent. consols. The contract was finally completed upon an offer on the part of the contractors to take 10*l.* 7*s.* 6*d.* in the consols, in addition to the 130*l.* reduced annuities for every 100*l.* subscribed, making in the whole 140*l.* 7*s.* 6*d.* for each 100*l.* The amount of interest upon the money borrowed was, therefore, but 4*l.* 4*s.* 3½*d.* per cent.; so that the loan of twelve millions for the service of Great Britain and Ireland, was thus borrowed at 15*s.* 7½*d.* per cent. below the rate of legal interest. The total charge that would arise to the public, including the sinking fund and the charge of management upon the loan, would be but 5*l.* 13*s.* per cent. The committee would from this statement, be enabled to appreciate the advantage derived to the public upon this loan, by adverting to the terms upon which the loan of last year had been effected. Gentlemen would recollect, that the loan for the service of the year 1809 had been procured at an interest of 4*l.* 12*s.* 10*d.*, and that such terms were on that occasion looked upon as most favourable. It would be seen, therefore, with satisfaction, that according to the statement he had just submitted, the loan for the service of the present year had been obtained at the rate of 8*s.* 7*d.* per cent. interest less than the last year, and it would be for the committee to decide, whether, so far as the transaction was connected with the situation of the country, it was to be regarded as a proof for the better or the worse. (Hear!) It would be in the recollection of the committee, that at a former period of the session he submitted a proposition to the House for funding a certain proportion of the exchequer bills outstanding in the 5 per cents. The stock created by that operation, added to what was created by the transaction of the loan, constituted the whole amount of the addition to the public debt. In consequence of the loan there were created in the 3 per cents. reduced 10,400,000*l.*: in the 3 per cents. consols 830,000*l.*; making a total on account of the loan of 11,230,000*l.* Now, if this amount were to be added the stock created on account of the funded exchequer bills 8,581,727*l.* it would give a total of addition to the public debt of Great Britain in the present year of 19,811,727*l* The charge for interest upon this addition to the public debt was on the 3 per cents. reduced consols 336,000*l.*; on the exchequer bills funded in the 5 per cents. 429,086*l.*; forming a total annual charge of 765,986*l.* To this charge, however, was to be added, on account of 1 per cent. sinking fund, 198,117*l.*, and on account of charge of management, 6,735*l.* which would make the whole of the annual charge to be provided for, including the different rates of interest, and charges for the sinking fund, and of management, 970 833*l.*

It now became his duty to submit to the consideration of the committee, the means by which he proposed to meet so large a supply; but he had first to bring under the observation of the committee the fact, that the charge upon the whole, inclusive of every expence, was but 5*l.* 19*s.* 1½*d.* per cent. The cause of its being even so high was obviously to be found in the transactions for funding the exchequer bills in the 5 per cents. Thus he had stated in detail all the heads of the ways and means of the year, with the exception of the consolidated fund. It remained for him, therefore, to put the committee in possession of the grounds of his entertaining a reasonable prospect as to the produce of that fund, and also to shew why he did not propose to take the surplus for the present year at more than 4,400,000*l.* The total charge upon the consolidated fund for the year 1810, was 34,421,996*l.* the total produce of that fund being 41,441,770*l.* up to the 5th of April last. The difference, therefore, between the charge and produce of that fund, amounted to 7,019,774*l.* When this difference was so large, it might be matter of surprise to the committee, that he did not estimate the surplus for the present year, higher than he proposed to do. But from that difference there was to be deducted the deficiency of the preceding year, amounting to 358,712*l.* and also 2,661,000*l.* which had been already voted in the present session, as the produce of that fund above the estimated surplus of last year. These deductions would reduce the difference to little more than the sum at which he proposed to estimate the surplus of the fund for the present year. He had next to acquaint the committee with the grounds on which he calculated that its produce would be nearly the same in the current year. The consolidated customs in the year ending the 5th of April 1810, had exceeded their produce in the antecedent year. This branch of the revenue had produced in the last year 5,251,449*l.* whereas in the preceding year it had produced but 3,719,000*l.* He was aware, however, that it would not be either reasonable or just to assume, that the receipt of the consolidated customs would in the present be the same as in the last year. He should take the average of the two years, which, the sum of both being 8,970,449*l.* would be 4,485 221*l.*

The amount of the revenue of consolidated excise he proposed to take at what it had produced last year, 16,880,635*l.* The total amount of the consolidated customs and excise revenue during the last year, allowing for the duties on tea postponed, and the sugar duties transferred from the customs to the excise, amounted to upwards of 24,000,000*l.* The consolidated customs and excise revenue in 1808, had produced 23,000,000*l.*; but in the accounts for the last year there was a blank left for the duties on sugar, in the last quarter, which had not been received, but which estimated according to the receipts of the preceding quarters, would raise the receipts of the last year to above 24,000,000*l.* or 24,476,000*l.* So that the receipts of that year would be to those of 1808, nearly as 24 to 22, and to those of 1807, as 24 to 23, and if the receipts should continue during the remaining quarters to exceed the receipts of the last year, in the same proportion as the first quarter's receipts had exceeded the receipts of the corresponding quarter of last year, he had a certainty of a very considerable increase. It would, he had no doubt, be a satisfaction to learn, that the malt duty, in which there had been some falling off, was now beginning to recover; and that there had been an increase of from forty to fifty thousand pounds in the last quarter.

He now came to the consideration of the assessed taxes. The produce of these taxes last year was 6,459,000*l.*; but upon comparing the receipts with the actual assessments, he found that the receipts were considerably more than the assessments, an increase which could only arise from the extraordinary exertions made to collect the arrears. The amount of arrears last year, in the arreared taxes, was not less than 600,000*l.* whereas he had the satisfaction to inform the committee, that the whole amount of such arrears, at present outstanding, did not exceed 300,000*l.*; a state of progress in the effectual collection of these taxes, which must prove to the House and the country that no neglect at least had taken place in that department. Making allowance therefore for the arrears collected within the last year, he should take credit, on account of the assessed taxes, for 5,860,000*l.*

The produce of the stamp duties he proposed to take at the amount of their produce last year, being 5,193,000*l.* The post-office produced 1,194,000*l.* and as it was a growing revenue, he was also entitled to take it at the same amount. There were several other minor branches of revenue arising from pensions, land tax, hawkers and pedlars and imprest monies, which, added to the various sources of revenue he had before enumerated, would carry the receipts of the consolidated fund to 35,357,000*l.* The sum which had been transferred to the consolidated fund from the war taxes on account of the loans of 1807 and 1809, amounted to 2,240,000*l.* annually; so that the whole receipts of the consolidated fund exclusive of the duties annually voted, were 37,597,000*l.* The total amount of charge upon the consolidated fund exclusive of Ireland, and an allowance of 100,000*l.* for charges which might be thrown upon it in the course of the year, (a sum of 160,000*l.* having been so appropriated in the course of last year) did not exceed 31,960,000*l.* which sum, deducted from the receipts, would leave a surplus of 5,637,000*l.* It was natural then for the committee to ask why, when the surplus according to his own statement was so great, he should propose to take it only at the amount of 4,400,000*l.* The reason of his so doing he was prepared to state to the committee, and that would necessarily lead him to an explanation of the means by which he proposed to cover the supply required for the charge of the loan, &c.

The accounts on the table would shew the committee, that the receipts under the head of stamps, had amounted last year to 5,193,000*l.* which was an increase above the receipts of the preceding year of the sum of 1,236,907*l.* This great increase was, in some degree, owing as well to the collection of arrears, as arising subsequent to, and out of certain regulations and provisions, which had been adopted on his own suggestion in the year 1808, in the act for consolidating of the duties on stamps. The charge to be provided for in that year amounted to 731,000*l.* Of this 624,242*l.* had been provided by other means, and 106,758*l.* only remained to be defrayed out of the consolidated stamps. Taking the average of the two preceding years as the criterion of the produce of the stamp-duties, the excess of the receipt of last year would give the exact amount derived from the regulations which he had recommended. This average was 3,856,030*l.* which deducted from 5,193,000*l.* the receipt of last year, would leave an excess of 1,236,970*l.* applicable to the public service. He was aware that in making this statement he might be exposing himself to censure, for having made so great a miscalculation of the effects of his measure: but whatever might be thought of that, he was confident that the committee would feel the propriety of taking advantage of this increase, and apply it to the service of the year. If the sum charged, in 1808, on the stamp consolidated duties of 106,758*l.* were deducted from the surplus receipts of last year, it would leave a balance of nearly 1,130,000*l.* arising out of the additions and regulations made in the consolidation of the stamp duties in 1808. The proposition then which he had to submit to the House, and he should beg of gentlemen to tax and comment upon, and criticise it as they might think fit, was, that the charge of 970,339*l.* 12*s.* 1½*d.* incurred upon the loan, and the funding of exchequer bills in the present year, should be taken out of this excess of the provision made in the regulation of the stamp duties in 1808. If the House could have anticipated such an excess from the measure then resorted to, he had no doubt but that they might have applied it in the same manner as any other surplus of ways and means, to the relief of the burthens of that year. But in submitting this proposition to the committee, he intreated gentlemen not to consider it as containing any thing new. Having granted these duties in 1808, the House was justified in appropriating them to the charge of the present year on account of the loan. But it was not necessary to run the appropriation to the full length of the excess of the receipts over the 106,758*l.* required for the charge of 1808. He should propose to reserve a sum of 150,000*l.* from that excess, which would leave a sum of 1,086,000*l.* which, after covering the charge for the current year, would afford a balance of about 115,000*l.* applicable to the general purposes of the consolidated fund.

He was aware that many persons might feel considerable objections to this proposition; but the more such objections should be examined, the more they would be found to contain nothing of any weight in comparison with the advantages that would result from its adoption. The first objection, that perhaps would be started, was, that the House would consider it a new principle to look to the actual receipt of former taxes for defraying the accruing burthens of the current year. It might, too, be stated in support of this objection, that in the year 1802, when a sum of 1,800,000*l.* only was wanted, Mr. Addington had laid on taxes to a much larger amount; and yet in the following year, had proceeded to provide for its charges by new taxes, without resorting to the excess of the provision over the charge of the preceding year. But such objection he might meet, by asking whether his proposition was the same with that submitted to the House in 1802? Besides, gentlemen would recollect that Mr. Addington's measure had been brought forward in a year of peace; and at a time, too, when he was making a very considerable and important alteration in the whole system of the sinking fund. When such an alteration was in progress, it was natural to look to some new arrangements to provide for the charge of the current year, rather than go back to the produce arising from the financial operations of a preceding year. If some considerations of this description had not influenced the measures resorted to on the occasion to which he had alluded, or if the idea was then generally entertained, as at present, that an end ought to be put to the progress of taxation so long as it could be avoided, he was of opinion that the ministers of that day should have resorted to the existing or old taxes, rather than impose new ones. Though he could not, therefore, find any precedent precisely in point for the measure he proposed in the instance to which he had alluded, that could be no reason why, under the different circumstances of the times, the measure should not now be adopted on the grounds, on which he felt it his duty to recommend it.

But in considering this part of the question, he wished to bring to the recollection of the Committee, the plan which had been brought forward in 1807, by his immediate predecessor in office. The principle upon which that plan was founded, was, that it was desirable to suspend the laying on of any new taxes for three years at least, in order to cherish the resources of the country. Consequently no new taxes had been laid on in that year, and, though the principle had not been adhered to in 1808, no new taxes had been imposed in the year 1809. Thus the plan had been carried into effect in two of the three years originally proposed, but actually only in one, because the additional taxes and produce of regulations adopted in the intervening year, by producing above a million more than was necessary to meet the charge of that year, in reality amounted to a provision for two years in one. There was also another consideration, which weighed strongly on his mind in recommending this measure. By the exertions that had been made, and were still in progress, to call in the arrears of the property and assessed taxes, which last year amounted to 2,800,000*l.* a considerable sum had been drawn from the public in addition to the regular receipts of the year. The Committee then would see that the period when such an additional collection had been made from the public, though on account of arrears, was not a time for resorting to new taxes, if they could be avoided. He begged particularly in this place to call the attention of the Committee to a resolution which had been introduced by the noble lord whom he succeeded (marquis of Lansdowne) into his financial resolutions in 1807. This resolution directed that an account should be laid before the House of the net produce of all the permanent taxes for the three preceding years, and that an average should be made of those not then in full operation: it also directed that a similar account should be made out for the years 1808, 9, and 10, and if there should appear to be any excess of amount in those three last years, that it should be at the disposal of Parliament, and applicable to cover the charge of the loan for either year; but if any deficiency should take place, that it was to be made good by Parliament. The principle of this resolution was certainly not that upon which his proposition was founded; because, if he were to take an average on three years, the excess would be 60,000*l.* more than he meant to take for the service of the present year. He had adverted to this resolution only to shew, that his proposition was not altogether a novel idea in that House.

It might here be material, as well with a view to form a correct judgment upon the subject as for the satisfaction of the committee, to look briefly to the state of the trade, manufactures, and commerce of the country, in order to shew, that there was a just prospect that their expectation would not prove unfounded as to the stability of the means and resources of the empire. This would most satisfactorily appear from a reference to the comparative amount of the exports and imports at different periods. The official value of the imports last year was 36,255,209*l.* The prosperous year of peace (1802) was only 31,442,318*l.* being an increase last year of nearly 5,000,000*l.* above the most prosperous year of peace. The exports of British manufactures last year amounted to 35,107,000*l.*; in 1802 they were only 27,993,199*l.* being a difference between eight and 9,000,000*l.* in favour of last year. The exports of foreign manufactured goods was last year 15,194,000*l.* somewhat less than the amount of foreign exports in 1802, which was 19,152,000*l.* But it was most satisfactory to observe, that though the exports of foreign goods had decreased, the export of British manufactures had risen in a greater proportion, and that there was a greater increase upon the whole of 4,180,000*l.* the amount of all the exports having been last year 50,300,000*l.*, whereas in 1802, they amounted to but 46,120,000*l.* Upon an average of the two last years, compared with the average of 1802 and the preceding year, the advantage was 3,108,300*l.* in favour of these two years of war over two years of peace. But if the advantage had even not been so much in favour of last year, the average would shew, that the country was not stationary, but progressive in prosperity. In Yorkshire alone the manufacture of cloth had increased in the last year to the extent of 1,500,000 yards. But was not the growing prosperity of the country obvious in the great public works which were undertaken throughout the country—the great canals and extensive docks which were on all sides establishing? The progress of such undertakings, with as much spirit, activity, and enterprize, as in a time of the most profound and prosperous peace, was a certain indication of the flourishing condition of our trade, manufactures, and commerce.

The Committee would, he trusted, excuse him for having called their attention to such topics which were so intimately connected with the subject of that day. It was of the highest consequence to shew, that the state of the industry, manufactures, and commerce of the country was such as to enable the nation to maintain the burthens it had to bear, and that whilst there appeared an increase in all, there could be no reason for considering this a failing or a falling country. Though undoubtedly the Committee must be sensible that the pressure of the times may bear heavily upon some classes of their fellow subjects, a pressure which they must all equally lament, yet it was consolatory to reflect, that there was no ground for apprehending any material or extensive national calamity. But it was not only in our internal resources, but in our external means and strength, that the progressive prosperity of this nation was to be traced: This too had happily been made out to the conviction of our enemy. It was but a few years since that enemy had declared that all he wanted were ships, colonies, and commerce. If the attainment of such objects were his wish, what progress had he made towards their accomplishment? It was only by acquisitions from this country that he was to realize any one of them, and yet all the commerce that belonged to his empire it had lost; all the colonies that had belonged to him he had lost; and the few ships he had remaining were kept pent up in ports, without ever daring to put to sea. This was the government, too, whose measures were represented as founded in wisdom, and executed with ability, whilst the government of this country had been uniformly charged with weakness, ignorance, folly, and imbecility. He should detain the Committee with but one more observation, to shew that the operations of the wise measures of the orders in council, so much abused in this country, had had the effect of reducing the receipts of the customs in France from 2,500,000*l.* to 500,000*l.* being a diminution of 4-5ths of its whole amount. This shewed how unavailing all the measures of the French ruler were to the accomplishment of his darling object. He should, therefore, not take up more of the time of the committee, but move, That the terms on which the Loan had been contracted for, should be approved of by that committee.

Mr. *Huskisson* did not know whether his right hon. friend, in his very able statement, alluded to him as one of those who thought the country in a falling condition.—If he did, it must have arisen from a mistake, because he had neither thought nor said any such thing. He thought the country was in a state of progressive improvement, which, in a country where property was so well protected, could only be stopped by some convulsion. What he had said was, that it would be difficult to find new taxes, which would not be extremely objectionable—that there was a limit to taxation—and that we had nearly reached that limit; and that he was correct in all this, the statement of his right hon. friend most fully proved. He must himself have felt its force, before he could make up his mind to propose the mode which he intended to adopt to supply the means of the year. He had heard nothing from his right hon. friend in contradiction to what he (Mr. H.) had stated on a former occasion; and he really wished that something positive could be got from his right hon. friend upon this subject. He wished to know whether he thought it possible, for any great number of years, to continue adding from a million to 1,200,000*l.* every year to the public burthens? Whether he thought this would be sufficient on the present plan, even if it could be procured?—and, Whether he hoped that the war could be continued in this way? His right hon. friend had not touched on these points; but he thought that his right hon. friend owed it to the country to state what his views were on the subject, supposing the war to continue for a great number of years, as, in all probability, it would. Supposing the presumptions balanced as to the long continuance of the war, and the speedy conclusion of peace; and this he thought was a very sanguine view of the matter; even then, he said, that it concerned us to look at our means of supporting it for a great number of years. He maintained, that without a reduction of the scale of our annual expenditure, it would be impossible to carry on the war for any long time. Even in the event of peace they would not be without their difficulties, as it would be expected that a considerable share of the public burthens should then be reduced. When his right hon. friend took part of the surplus of the consolidated fund to meet the additional charge of the present year, he did not much improve the prospect in the event of peace. He advised the House therefore to consider well the nature and extent, and applicability of their resources, with a view to peace and war. It was impossible always to go on in this way, from expedient to expedient; satisfied with getting over the difficulty of one year, without adverting to the accumulating difficulties of the next. He begged the House to consider to what, if they went on in this way, they would come at last? The hon. gent. here related an anecdote which was current in France before the revolution—some person asked the minister of finance how they were to go on for a number of years?—his answer was, that the state of things, such as it was, would last their time; and after them, no matter what became of the finances. In a few years after came that horrible catastrophe, the French revolution. He did not mean to say that any minister of this country would have uttered or conceived so unworthy a sentiment; but if the House did not take an extensive view of the subject, and provide accordingly, it would not do its duty. He thought that by suitable reductions provision might be made for both alternatives, of peace and war, and that too without any diminution of our dominions or of the proper means of defence and carrying on the war. If he had not thought so, he would not have been so ready to come forward with his ideas on the subject. He had no doubt that this might be done.—He should not therefore in saying this, betray the secret of our weakness, but the measure of our strength. He would not then enter at length into the subject; but must say that next session it would be the duty of Parliament to consider it with attention. His right hon. friend had resorted to a source which would not avail in other years. If he could have found taxes to answer his purpose, it would have been a much better course, and one which no doubt he would have adopted.

Adverting to that part of the statement where the increase of the duty on stamps from 106,000*l.* to 1,200,000*l.* had been ascribed to the regulations and additions of 1808, he observed that the stamp duties had been consolidated in 1806, and had since been increasing by the usual growth of the revenue, and the better mode of collection, as well as by the new duties. There were some articles, such as bank paper, &c. in which a diminution might be calculated upon, though he allowed that an increase might be expected in other articles. He disavowed whatever share of merit might be ascribed to himself for any thing he had done in 1808 on this head. The sound principle was to take the whole of the taxes and the charge upon them. They were in some instances above, in others below the charge, although certainly upon the whole above. But this course of his right hon. friend would only create the necessity of adding another million to next year's loan, so that it was only shifting the ground; he might as well have placed the charge upon the war taxes. It was, however, a cheering part of the statement, that no additional burthen was to be created this year. With regard to the statement on the whole, however, he confessed he had been greatly disappointed. When the ministers had made up their minds to advise his Majesty to promise that the accounts would be made up with a rigid attention to economy, he had expected that a considerable reduction was to have taken place. He thought that reductions had been intended to be made in some of the larger establishments. He did not say that any very great diminution could be made; but he thought a reduction of some millions might be effected without injury to the country. He then adverted to the arguments which had been used by one of the lords of the Admiralty (Mr. Ward,) for keeping up the number of seamen to 145,000 men. It had been said that it was desirable to have a navy, not only sufficient to cope with the whole world at sea, but also a considerable reserve. To the general proposition, that it was desirable, he would assent; but then he must balance the advantages and disadvantages. It was customay for persons out of doors to say, that liberty was desirable—so it was in the abstract; but then the government of the country must so far infringe on that liberty, as to provide the ways and means of the year. He repeated, that it was too much the practice for the several officers of government to look at the expenditure in their several departments, as applied to a favourite object of pursuit. It had been said that we might be in difficulties with regard to America; but it had not been stated that there was any particular reason to apprehend this. Then the use of a large reserve had been argued upon from the dispatch, which had been evinced in sending out the expedition to Copenhagen.—But in 1801, a large Expedition had been sent to Copenhagen, and with great dispatch, when the number of seamen was much smaller, and the calls upon the service of the navy much larger. There were at that time no less than ninety-four sail of the line, French, Spanish, &c. Before the battle of Trafalgar the enemy had large fleets, and the numbers of our seamen did not exceed 120,000 at that time. He thought that the distinction between the present naval war, and former wars of the same description, was not sufficiently attended to. The object formerly was to oppress the commerce of the enemy, but, now even with 200,000 seamen nothing in that way could be done. By the injury done to his commerce and revenue, we might have hoped formerly to have driven the enemy to reasonable terms of peace. Now, however, there was no hope of doing this by any such means. His right hon. friend had asked, what progress Buonaparté had made in his favourite object, of obtaining ships, colonies and commerce. But Buonaparté had altered his policy in that respect, for it seemed now to be his policy to destroy commerce altogether, and whatever deficiency might be occasioned in his revenue, he would have no scruple in supplying by exactions of any kind. He had, besides, the command almost of the whole continent, and could draw his supplies from all quarters by land. He concluded by adverting to the state of Ireland, which had to raise five millions by extraordinary means. He deprecated any thing like despondency as to our resources, but at the same time urged the propriety and necessity of husbanding them as much as possible.

Mr. *Rose* concurred in the wish of his hon. friend that every practicable retrenchment should be adopted, and that opinion he had already communicated out of doors. He felt strongly, that his right hon. friend (the Chancellor of the Exchequer) would present himself before the House next sessions with a very bad grace, if he did not prove that the utmost attention had been paid to the economy in the public expenditure. But to what amount the wished for reduction of that expenditure would extend, he thought it impossible at present to calculate. There was happily however no reason to entertain any gloomy apprehension. But sufficient for the day was the evil thereof. There would, he trusted, be a considerable reduction in the expenditure of the navy, as his hon. friend had estimated, from the present state of the enemy. As to the propriety of a provision for future years, and of an additional tax at present in lieu of the proposed appropriation of the surplus of the stamp-duty, he could not help observing, that we had done quite enough for our posterity, and he hoped, that they would be able to do as much for themselves. We had, in fact, made such arrangements for the benefit of those who are to come after us, that no less than 10 million per annum were set apart to relieve them from debt, which sum was more than the whole revenue of the country, when he first entered into public life. How the resources of the country had been so prosperous as the statement of his right honourable friend displayed, he declared himself unable to account. But somehow it appeared, that from the industry and ingenuity of our merchants, every prohibitory measure of Buonaparté's had utterly failed of their object. In fact, instead of limiting our trade, it had rather been extended in spite of the hostile proceedings of the enemy.

Mr. *Huskisson* disapproved of his right hon. friend's sentiment in this instance, that sufficient for the day was the evil threof. On the contrary, he thought it would be wise in the present circumstances of the country, to consider of an arrangement of some permanent system calculated to guard against future evil.

Mr. *Tierney* thought it necessary that some inquiry should be instituted as to the cause of the present state of our resources, in order to ascertain whether that cause was likely to be permanent, or merely of a temporary nature. This inquiry appeared the more necessary, as even an old member of the board of trade (Mr. Rose) professed himself unable to account for that prosperity upon which the House had been congratulated. As to retrenchment, he heard no proposal of it—he could see no sign of it—notwithstanding all the professions that had been made. He saw a vote of credit equal to that of the last year, when we had Austria and Sweden to subsidize; and this vote too in addition to that already granted to Portugal. What then could be the object of this vote? It certainly required explanation. As to the rise in the price of three per cent. stock, he thought it owing to artificial causes, by no means indicative of national prosperity, although enabling the right hon. gent. to conclude the loan upon such advantageous terms. But the right hon. gent. seemed to have had a great deal of good luck to help him out in his difficulties. In the first year of his financial duties, the loan had been provided by his predecessors; in the second year between three and four hundred thousand of annuities fell in; and now a surplus produce of taxes offered, which, however, he thought the right hon. gent. was grossly misapplying when setting them apart to pay the interest of the loan. This surplus ought rather in his judgment to be included in the produce of the consolidated fund, to which it properly belonged, and a new tax imposed to defray the interest of the loan. But the right hon. gent. by his measure broke a wisely established principle, merely to make a fetch at popularity, by a shew of declining new taxes. This, however, all thinking men must feel to be mere delusion. For the sum thus taken from the consolidated fund must be again supplied by new taxes; and if the right hon. gent. should go on from year to year, appropriating a part of the surplus of the consolidated fund to pay the interests of his loans, it was obvious the public could not ultimately be gainers. But the right hon. gent. was in fact violating his contract with the public creditors, who lent their money upon the security of the stamp tax, by appropriating the surplus of its produce to the payment of the interest upon a new loan, and he was also neglecting to make provision for the future. Was the right hon. gent. aware, while he thus declined to look to future difficulties, that he would in the event of peace the next day be obliged to find nine or ten millions a year of new taxes? Why then be so improvident on this occasion? He was not one of those who despaired of the resources of the country, or wished to damp its spirit, but he would strongly recommend it to the right hon. gent. to look minutely into our situation. With that view he advised the right hon. gent. at an early part of the next sessions, to institute a similar inquiry to those which took place in 1782 and 1796. The necessity for such an investigation was obvious. For the satisfaction of the House and of the country it ought to be immediately entered into. He was persuaded that the right hon. gent. did not himself know how the country was going on, or how to calculate upon the means of our future provision. It was not for the right honourable gentleman then in the present state and prospect of Europe, to be contented with the making of shifts for a session or two, but to look to some permanent system—to look particularly to the reduction of our expenditure, for which no disposition whatever was manifested by him, and above all in future to abstain from crippling the consolidated fund.

The *Chancellor of the Exchequer* observed, that the terms upon which the loan had been that day negociated were in his opinion, the best proof of the increasing wealth and resources of the country, and gave the best assurance of hope that in future the people would be enabled to bear those burthens which the necessities of affairs might require. With respect to the prosperous state of the country, and the application of the revenue, he agreed with his hon. friend and the right hon. gent. that under any government less disposed to pay attention to measures of economy, it might rather be productive of evil than good. It however could not be denied that there were considerable diminutions in many of the items of the public expenditure, though certainly not in so great a degree as that the committee could look to them as any material saving. In the ordnance there was a saving this year of 1,500,000*l.*—In the army 800,000*l.* but there was most assuredly an increase in the navy expence of between 2 and 300,000*l.* It would be recollected, however, with respect to the increase in the navy, that he had stated formerly that expectation from the necessity of making an addition to the number of seamen of 15,000 more than the number employed in the former year, for the purpose of affording assistance to our allies in Spain. The right hon. gent. then proceeded to vindicate the appropriation of the surplus of the stamp duties, which he proposed. He contended that the additions and regulations made in 1808 had produced much more than was originally estimated. This was a mistake in the former calculation, and the only way of correcting that mistake was by applying the surplus to the relief of the public from any new tax. He denied that this surplus could be fairly deemed as a part of what was called the surplus of the consolidated fund, and therefore the right honourable gentleman's objections were inapplicable. That there was a saving in the proposed expenditure would, he asserted, be obvious to any man who examined the several heads of expence, particularly in the ordnance, the army and navy. As to the vote of credit, another opportunity would occur for discussing that topic. But although, from the present state of Europe, it was deemed expedient to place such a sum at the disposal of his Majesty, it did not follow that it would be expended. With respect to the right honourable gentleman's allusion to his good luck, he observed, that the right hon. gent. seemed quite sore upon that point. But the effects of this good luck, as the right hon. gent. would have it, furnished another obstacle to the wish of his right hon. friend. For it appeared that notwithstanding all the drivelling and blundering ascribed to him and his colleagues, the country was thriving under their government, and in a state of prosperity, which the right hon. gent. and his friends, with all their talents, could not deny. As to the reduction which had taken place in the production of the malt duty, that notoriously arose out of the stoppage of the distilleries, which could only be of a temporary duration; and he had the satisfaction to think that this was the only branch of our revenue which had suffered in the slightest degree a diminution. The right hon. gent. concluded with observing, that he did not mean, in his allusion to his hon. friend (Mr. Huskisson) to insinuate that his hon. friend meant, in a former declaration of his, to create the false impression respecting our means, which it certainly produced. But he thought it right to advert to it, as the present appeared a proper opportunity for removing that impression.

Mr. *H. Thornton* was apprehensive that the calculation upon the surplus of the consolidated fund would be found to be rather vague and uncertain; the produce in consequence of the act of the year 1808, upon that fund, which had been so much relied on, was in great part owing to the product of the duties upon stamps, rather than to any new taxes imposed at that time. The great object would be to keep the income and expenditure of the country within one another; the excess of the loan for each year over the sinking fund had not decreased in the due proportion; the increase of product in 1808 had been owing principally to the mere modification of a duty *ad valorem*, and could not make the principle of any fixed and definite calculation. He seemed to think that it would go more to equalize the mutual proportion, the income and expenditure should bear to each other, to resort in some degree to the aid of new taxes.

The *Chancellor of the Exchequer* admitted that the produce of the measure of 1808 had been owing in some measure to a progressive increase of the stamp duties, but in a still greater proportion to the new regulations then erected.

After some further observations the Resolutions were agreed to, and the report, the House having resumed, was ordered to be received on Friday.

HOUSE OF LORDS.

Thursday, May 17.

[OFFICES IN REVERSION BILL.] Earl *Grosvenor* rose to move the second reading of the bill, which had been sent up from the Commons, with various alterations from the preceding bills, on the same subject, which had been on former occasions rejected by their lordships. He wished to impress upon their lordships' minds the propriety and the necessity of fully and fairly considering, and of passing into a law the present bill; at least of agreeing to the second reading, and going into the committee upon the bill, wherein any part of it that appeared liable to well-founded objections, might be amended and corrected. His lordship stated the various circumstances that had hitherto attended the progress of this measure, and forcibly recommended its adoption on every principle both of public economy and constitutional policy. Considered as a measure of economy, he would not undertake to say that it would produce any very great immediate saving of the public money; still were it to be considered only in an economical view, it was highly deserving of their lordships' consideration. It was well known that the finance committee of the House of Commons, to which, more especially after the repeated declarations of the sense of that House upon the subject, he was disposed, and he thought their lordships ought to feel disposed, to pay great and just attention, had considered the existing state of reversionary offices as an obstacle in the way of arrangements for a reform, an alteration or abolition of sinecure places. Such places, were, in argument, generally defended on the ground that it was desirable that the crown should have the power of so rewarding great services; yet it could hardly be maintained, that the practice was conformable to the principle on which their existence was defended. If their lordships would, on an economical principle, look into the subject, they would, he believed, see, that from the period of the commencement of the present reign, up to the present time, 100,000*l.* a year might have been saved to the country; and that upon a calculation of compound interest, such a measure of practical economy followed up, according to its principles, would have saved for the service of the public a sum little less than 20 millions. He had as yet heard nothing in the shape of argument or refutation to alter his mind respecting the improvidence of allowing sinecures to be granted and held as at present, and certainly nothing against the object of the present measure, which directly tended in its degree to the accomplishment of a general and salutary system of reform in the expenditure of the country. Neither in any constitutional view, could he see any ground of argument against this measure. The present practice did, in fact, fetter the due and wholesome use of the prerogatives of the crown, and was consequently prejudicial to the public interests.

The principles on which the crown conferred the rewards due to meritorious individuals for eminent services were left completely untouched by the adoption of such a bill, while the mischief occasioned by imprudent grants in reversion would be intirely done away. Many of the objections made in former discussions to the principle of such a measure were obviated in the present bill, which took no notice of the reversionary grants in the possession of the clergy, &c. It was a matter of great regret to him, to find on former occasions, that the heads of the law and the heads of the clergy were of different opinions from himself, and came down to the House to oppose these bills. It was also a matter to him of deep concern that so little regard was paid to the wishes, and feelings, and opinions of the nation at large. He had not any recollection of a measure in which the public mind seemed so decidedly unanimous: and would their lordships, in times and circumstances like the present, refuse the opportunity that was offered them of giving some indication to the people of their desire and intention to devise and adopt all possible reforms in the public expenditure, at a period when so many and such great burthens were unavoidably to be borne by the nation? He did not wish, and he should be among the last to propose any improper deference to what might appear to be popular clamour; but an attention to, and a compliance with, the legitimate and reasonable wishes of the people, was, he thought, highly becoming the character and honour of their lordships. There might be, certainly, from disappointment, or from false views of the real state of things, or from delusion, persons in the country, whom they might consider to be disaffected; but that suspicion could not attach to the general feeling of the public; and surely the refusal of that which it was fair and right, and constitutional to grant, could not be the best mode of resisting disaffection, to which, on the contrary, it would give the best handle and pretext. He might be accused of using the language of intimidation in stating these sentiments, but he had no such intention. It was not intimidation to state to the House of Lords what were the wishes and sentiments of the people of this country, and to recommend to them a disposition to conciliation by wisely acceding to these wishes. At the present important period, after what the public had seen of the conduct of ministers from the commencement of their administration, their cry of 'No Popery!' in the first instance; the various measures they had since pursued, either abroad, on their expedition to Walcheren, and their retention of that island with such dreadful loss, even after the retention of it was perfectly unnecessary; or the way in which they conducted the business of the government at home, and disposed of the offices which were in their hands; could the public be satisfied with such means remaining in the hands of such ministers? He professed the truest and most loyal respect for the crown and for the constitution of the country, both of which, he thought a measure of this description tended not to impair, but to strengthen and secure. Therefore upon the principle of the bill itself, upon a regard to the true interests of the crown, and upon the propriety of attending to the public feeling, he was discharging his parliamentary duty in moving the second reading of this bill, repeating that the objections entertained against it, some of which he could anticipate, might be removed by amendments in the committee. On a former occasion, a noble secretary of state (Liverpool) had thrown out some enigmatical and oracular expressions, with regard to the mode of proceeding to be pursued respecting the present bill; but he waited with eager expectation for the disclosure of the noble secretary's sentiments on this head, but he had waited in vain. He trusted however that the House would do its duty; that it would recollect the pains which the other House of Parliament had bestowed upon the bill. That they would be mindful of the respect which was due to the other House, and above all that they would not forget what the people expected from them on a point to which their feelings were now so sorely alive. On these grounds he trusted the House would give their full concurrence to the present motion. After recalling to the attention of their lordships, that part of his Majesty's speech, at the opening of the session, which related to economy, the noble lord concluded by moving the second reading of the bill.

The *Lord Chancellor* left the woolsack in consequence of and to reply to what had fallen from the noble earl, who, without meaning any thing disrespectful, he must say seemed not to have read the present bill which was very essentially different from the other bills, that, on this subject, had been sent up from the Commons, being not a bill to abolish the granting of places in reversion, but a bill to make alterations in the mode of granting them. Such a bill, therefore, admitted the principle of granting reversions, and professed solely to regulate the way in which they had, for ages past, been constitutionally bestowed by the grace and favour of the crown. His lordship then proceeded to point out various inconsistencies in the proposed operation of the bill, and contended, that according to its principles no good reason could be assigned for the exception of certain offices from its operation. It was so constructed that it might forbid the grant of a reversion of 100*l.* a year, and yet not forbid the grant of one of 120*l.* or 150*l.* a year, by not proceeding upon a proper specification of the reversions to be abolished. The committee of the House of Commons had been sitting for a considerable time, and this bill was all that their lordships had yet heard of, respecting any general system of economical reform. He had no sort of objection to every reasonable and practicable amelioration; but he liked to see his way clear in such matters, and to know what he was doing, before he should consent to an alteration of existing establishments. There were great difficulties in every way of viewing the subject: but the last clause of the present bill rendered it quite impossible for him to avoid voting for its rejection, as it contained quite a new principle, and that one of the most objectionable that could be conceived; it proposed that reversions should not be granted hereafter by the crown, but might be granted in the event of an address from either House of Parliament to the crown for the granting such reversion. By this means the patronage was, in fact, to be transferred from the sovereign to either House of Parliament. This was the sort of compliment which this bill intended to pay to the sovereign—in whom the right was constitutionally vested. He could see no possible public service to be obtained in a view of economy, certainly not in a constitutional view, by such a bill.—As to what had been said about the conduct of ministers, about their coming into office, and the campaigns in Spain and Walcheren, such was his opinion of the importance of this bill, that if it was imagined that it would turn out this weak administration, as it was called, he could only say, that in such a view of it, it would be as easy for a child to pull down a mountain with its little finger. Respecting the popular feelings and opinions, he was confident that whatever they might be, their lordships could have but one mode of conduct on this occasion, as on every other; namely to do, not that which a popular clamour might call for, but to do that which in their hearts they believed to be right; to act according to their own consciences, and their own views. Disaffected persons might exist, notwithstanding the excellence of the constitution; and every one who recollected what had passed during the last 16 or 20 years must be impressed with a sense of what he owed to the general welfare of the state, after seeing the great and awful events that had occurred. Disaffection some years back proceeded in a more direct way. It had now changed its mode of attack, but still remained precisely the same thing as ever. It then attacked all the most dignified and venerable institutions of the country: now it assailed the constitution and the privileges of parliament, but affected to respect and venerate the throne. But their lordships might depend upon it, that the throne itself must be endangered, if it succeeded in its efforts against the privileges of parliament, which parliament possessed only for its own security and dignity, and for the sake of the people themselves.

Viscount *Melville* contended, that it was delusive to argue on any saving as a consequence of this measure, for the present.—The public had been told, that there had been of late an increase of places, by those who made gross exaggerations, and incendiaries would always be found to take advantage of the popular prejudices to kindle the flame of discontent; but parliament was not to act upon feelings arising from such arts and insinuations. It was their duty to protect the House of Parliament, and also to protect the third branch of the constitution, against an attack made under professions of respect for the crown. Had offices unnecessarily increased of late years? He wished for an account of the number of places held in reversion in 1760, and those so held at present, to see how that matter stood. He had seen a book on the subject, containing statements of reductions of places, &c. during this reign. All administrations had successively abolished offices. In Mr. Burke's bill these grants were entirely omitted. In Mr. Pitt's administration, the pamphlet (Mr. Rose's) to which he had before alluded, shewed that great reductions took place. Every administration had made similar reductions; the last had done so. Turning round to lord viscount Sidmouth, he begged pardon for having omitted to particularize that noble lord's administration, which had certainly done the same (a laugh.) He would however caution noble lords against sanctioning the principles and arguments upon which the bill under consideration was brought forward for their adoption. What, said the supporters of it, can be more absurd than to grant places to persons yet unborn, and of whose capacity to fill such places no idea could previously be formed?—This objection the noble earl would do well seriously to turn in his mind: their lordships should all give it a proper degree of attention:—They would then see how far it went to affect their own hereditary honours and distinctions. The noble earl was destined to be a statesman—an hereditary adviser of the crown before he was born; and who could have been certain before-hand that the noble earl would have have proved such a light to that House, such an ornament to his country, as he now proved to be? Besides the high distinction of the peerage, the most splendid the sovereign could bestow, was often the reward of the brilliant and meritorious services of the father; and how could a father be more satisfactorily rewarded than by conferring favours and honours upon him which were to descend to his immediate descendants and to his latest posterity. In the same manner were places in reversion granted. The father's services were doubly rewarded, by continuing the reward to his son. Did not they vote pensions to children yet unborn, when they conferred grants for lives to those who performed distinguished services to the country, such as lords St. Vincent, Duncan, &c. Would they admit the principle and claim its exercise for either of the Houses exclusively. Each might have in that case its favourite, and each might pass their votes for an address, and go scrambling in at the doors and windows and chimnies of the palace, to see which of them should first present it! Could they do real service to the country by taking from the crown the fountain of rewards and honours, its constitutional prerogative? He could never consent to pass a bill so erroneous, upon the plea of pleasing the people. He was certain that in any measure for the real relief of the people, nothing could be more desirable to the sovereign, than to do every thing that lay with him, yet, although he thought the bill objectionable enough in most of its provisions to be rejected at once, still he would suggest the propriety of deferring a decision upon it for three weeks or so, in order to see whether the other House of Parliament would furnish any new grounds to justify its adoption.

Earl *Grey* said, that this measure, so repeatedly sent up to their lordships from the House of Commons, deserved their most serious attention. Though he concurred in several of the observations that had fallen from the noble lords who preceded him, and though he was not friendly to the last clause which grounded the right of granting reversions on an address of either House of Parliament, yet he could see no particular objection to its provisions that might not be removed in a committee, by which their lordships would shew most respect to the opinion of the other House, and a proper attention to the feelings of the country. He condemned however the erroneous reasonings on which the noble lord compared the principle of granting reversions to that by which their lordships sat in that House, by hereditary right. He approved altogether of the object of the measure now proposed, either in an economical or constitutional point of view. This opinion was confirmed by a former speech of the noble and learned lord on the woolsack, who, in relation to his own department, had stated, that the practice of granting reversions in the time of lord Thurlow, and even of lord Northington was so frequent, that the noble and learned lord, during eight years of his chancellorship, and my lords Rosslyn and Erskine, could scarcely get an opportunity of conferring any thing on those who had claims upon them by services or consanguinity.

Respecting sinecures and offices in reversion, it had been maintained, that the legal rights and securities by which they were held, were of a nature so similar to those by which private property was possessed by individuals, and that it was so necessary to hold sacred every right which was legally given, that they could not with justice be affected to the injury of the holders. His lordship confessed that in a full view of the case, he inclined greatly to that opinion. Yet some of these offices could never have been expected to produce the sums which, under the recent circumstances of the nation, they had produced to the occupiers, and it was natural, therefore, that the public should look anxiously to their lordships proceedings for some salutary regulation upon such subjects. For instance, he was informed that three offices held by three noble lords, yielded an income to those noble persons of no less a sum than 75,000*l.* per annum. Lord Arden, Earl Camden and the marquis of Buckingham. One of them possessed by a noble lord opposite (lord Arden), was also granted in reversion in case of his survival to another, a near relative of that noble lord (Mr Perceval.) Now, upon the principle he had mentioned, no bill of retrenchment, Mr Burke's nor any other, could make any speedy alteration in such offices. With respect to what the noble viscount had stated from a pamphlet lately published by an eminent author (Mr. Rose); he was surprised that the noble lord should argue upon the statements contained in it as conclusive, upon the subjects of the retrenchments made during the present reign, and of the decrease of the patronage and influence of the crown. It would require no great knowledge or trouble, if there were time for it, to expose the erroneous and false statements and conclusions which that pamphlet contained. How could any man seriously contend, that this patronage had decreased, who compared the taxes of the country at the time of his Majesty's accession, with their present state, and considered the vast augmentations of our immense naval and military establishments, and the unexampled increase of the number of persons employed in the collection and administration of the revenue? It was scarcely possible to doubt upon this subject. The question then before their lordships was whether it was fitting and expedient, that the grant of places in reversion should be for the future abolished. Should the abolition of sinecures succeed, then this bill would be perfectly innocent, and should it not, then he contended that the bill would be beneficial. He had no hesitation in saying that in all views of the subject which he could take, he thought their lordships ought to pass it.

The noble lord then proceeded to comment on the singular conduct of administration respecting this bill. In the other House, the person who was at the head of the ministry said, he saw no good nor harm in the measure, and therefore he gave it his support; and yet when it came up to that House, ministers were ready to oppose it, though they avoided on such occasions entering into any discussion upon its merits. Why had they not all along taken an express and decided part? He considered the existing practice respecting reversions as an anticipation of the means of the crown, and as weakening its just prerogatives; and the abolition of it, as giving the crown a much better opportunity of exercising its prerogative for any purpose conducive to its own dignity or the public welfare. He was confident, that there never was a subject of public importance on which he had found so little difference of opinion in conversation with others, or from all he heard or saw of the public mind. He exhorted the House therefore to pay this mark of attention to the public feeling: if it were but little, it would yet be a graceful indication of their disposition to relieve them of any part of the heavy burthens they were obliged to bear. His lordship then noticed the difficulty with which the means of raising money was accompanied, to shew the necessity of making all practicable savings, and instanced the case of the lottery, which with all its train of evil consequences to the morals and habits of the people, no minister had yet been prevailed upon to relinquish. In the economical reforms and retrenchments which had been made, no administration that he had yet known, had done all that it might, and ought to have done, in pursuit of such great objects. He did not, in this case, except even that administration of which he composed one, though he must add, that from the various circumstances in which they found themselves placed, they had scarcely time to do more than to begin such undertakings, and to offer some prospects to the country when they were displaced. But he would add, that a future administration must take some more decisive and effectual steps for this purpose than had as yet been taken by any ministry that had ever been in power. He must concur in what had been said of the virtues and merits of the sovereign; but he must deeply lament that his Majesty had such imprudent advisers, whose principles of policy and government were so dangerous, and might prove so fatal; who took no warning from the terrible calamities that by a vicious policy had overwhelmed other countries.

Respecting the state of the times, he must say, that during his political life he had not known the general state of the country, such as so seriously to call for attention, and even to excite apprehension. Discontent had never been so generally prevalent as at the present moment. The people might be indeed, and he believed, in some respects they were deluded on important public subjects; but he had still the highest opinion of their good sense and patriotism, and of the effect of conciliation and attention to their just wishes and feelings. But what could they be expected to think and to feel, when they witnessed the daily conduct of the administration; when they heard of reversions and sinecures being defended as the means of enabling the King to reward eminent services, and saw them bestowed for no such purposes, bestowed in open opposition and violence to all their known feelings—when they saw even in the case of providing for those relatives of the sovereign whom the revolutions and calamities of war on the continent had driven to this country for an asylum, that no attempt was made to derive that support from any fund which might prevent it from encreasing the public taxes and burthens: When they saw that ministers advised their sovereign against the most gracious exercise of his own prerogative, in administering relief from a fund adequate for the purpose; when their complaints were perfectly unregarded; and when, from other circumstances universally to be lamented, the situation of his Majesty was unfortunately such, that it was not certain whether petitions and representations reached the royal ear, and when in fact every measure of government seemed calculated only more and more to oppose, insult, and disgust them? The great annual taxation on the country he considered to be the root of the popular discontent; and it behoved their lordships to do whatever lay in their power, by measures of a similar tendency with that now proposed, to alleviate it, and conciliate the public feelings. If it was little to do, let it be done, and give some proof that the House was not inattentive to the general wishes and opinion of the country.

Viscount *Sidmouth* agreed with many of the observations made by his noble friend, and, was of opinion, that it might be advisable to abolish the power of granting some offices in reversion. But he contended that a great delusion had gone forth with respect to this measure: there was much exaggeration on one side, and clamour on the other; but the fact was that the measure would take away nothing from the prerogative of the crown, nor in the least diminish the burthens on the people. Such were his opinions; at the same time he had so high a respect for the sentiment of the public, that he considered no blessing so great as when he found his own conduct meeting the public approbation. He certainly approved of the principle of this measure, and would gladly see it carried into effect; yet although he came down to the House for the purpose of giving this bill his support, from a perusal of its contents, and the observations of his noble and learned friend on the woolsack, he was persuaded it would not answer the end of removing the abuse. Under the present circumstances, he would recommend that a bill be introduced to suspend till next session, the grant of offices in reversion; and as the present session was so far advanced, let the House take full time at the commencement of the next, to consider what were offices the grant of which in reversion it would be expedient to abolish.

The Earl of *Liverpool* was surprised that the noble earl (Grey) should have thought that the defects of the present bill could be remedied in a committee; for if it should go there for amendment, he was persuaded it would come out with scarcely a single provision, similar to its present state. He adverted next to the public dissatisfaction, and observed that whatever attacks were made upon him and his colleagues, when that question came to be discussed, he should be very ready to defend himself from such charges. The noble earl had attributed the general discontent to the pressure of excessive taxation. But he would ask, was not that taxation necessary? Must not our army and navy be extended in these times, when all Europe, under the dominion of one man, are arrayed in arms against us? Besides, were we not to take into consideration, the encreased commerce and riches of the country? If we were to estimate the proportion of the burthen and expence now, to the riches and commerce of the country at this period, and then compare them with a similar calculation made in king William's reign, he would venture to say it would appear that the people now were richer and abler to bear the burthens than they were in the reign he had mentioned. He wished that parliament should state in any measure of this description of what offices they meant to abolish the reversion, and how far they intended to carry this measure; and then he and others might form a decided opinion of its propriety. He concluded, by expressing his opposition to the present bill.

The Earl of *Carysfort* agreed with the noble secretary of state, that the last clause was one that could not be maintained by their lordships, but ought to be rejected. It was not only an infringement of the prerogative of the crown, but also of that of the parliament. His lordship entered into a general review of the merits of the bill, and contended there was nothing in it to satisfy the discontents of the people; he allowed they were much depressed by taxes, but he agreed with the noble earl (Liverpool) that the dire necessity of the times made them necessary. Under these considerations he would oppose the bill.

Lord *Redesdale* hoped the noble earl, who moved for the second reading of the bill, would not press their lordships to a division. He would not enter largely into the merits of the bill, as he opposed it on the grounds that their lordships should not for a moment maintain its principle or give it countenance, by allowing it to pass a single stage.

The question was then put, that the bill be read a second time, which was negatived without a division.

The other orders of the day were then disposed of, and their lordships adjourned.

HOUSE OF COMMONS.

Thursday, May 17.

[DUKE OF BRUNSWICK'S ANNUITY BILL.] On the order of the day for the third reading of this bill,

Mr. *Calcraft* rose to remind the right hon. gent. that a right hon. friend of his, not yet come to his place (Mr. Tierney), had given notice of his intention to divide the House upon the question for the third reading. His right hon. friend was absent, at this hour, only from an understanding that the business would not come on so soon; and therefore he hoped that the short delay, usual under the courtesy of the House, would be allowed on the present occasion.

The *Chancellor of the Exchequer* said, that the other business of the day being now gone through, there was no alternative, from the motion he had made, but the question for adjournment. There was another subject upon which the right hon. gent. not now in his place, would have full as good an opportunity of expressing his sentiments, and taking the sense of the House; namely, the Droits of Admiralty. But he had no objection to withdraw his motion for the present.

Mr. *Sheridan* said, that his right hon. friend was with him in a Committee up stairs, and was coming down to the House.

Mr. *Calcraft* did not wish the motion to be withdrawn; nor should he, at this hour of the evening, press any delay of the public business on account of the absence of a member; but in the absence of his right hon. friend, he should certainly divide the House upon the question for the third reading of the bill.

The House then divided on the third reading: For it, 41; Against it, 20.—On the re-admission of strangers into the gallery,

Mr. *Martin* was speaking upon the subject of this bill. He said, that if it was considered that, since the period when those Droits of Admiralty commenced, the House had added more than 200 millions to the public debt, he thought it was not unreasonable to ask gentlemen seriously to consider whether, out of the large sum of 5,200,000*l.* which appeared by the papers on the table to have accrued to the crown, it would not be wise and prudent to advise his Majesty to apply a sufficient sum to purchase the annuity for a prince so nearly allied to his family. He admitted, for the present, the strict legal right of his Majesty to the disposal of this fund in what manner he should judge proper; but at the same time, when it was considered that his Majesty had a very large sum applicable to the expences of his privy purse, which it was supposed would be principally applied to acts of royal munificence, and when so large an addition was made to this fund by these Droits of Admiralty, he could hardly have expected that the House would have been called on to relieve, out of the consolidated fund, so near a relative of his Majesty. He begged that the ministers would seriously consider whether they would not be placing his Majesty in an ungracious point of view, if they were to advise him to apply no part of this fund to such a purpose; but to throw the whole incumbrance upon the country, which is at present so excessively burthened.

The *Chancellor of the Exchequer* was astonished that the hon. gent. should still continue to repeat the sum of 5,200,000*l.* as the amount of the Droits of Admiralty, as appeared by the paper, notwithstanding all that had been already stated in the House upon that subject. He should have recollected, that of this sum two-thirds were applied, in the first instance, to remunerate the captors, and that therefore but one third of the sum, or 1,735,000*l.* could come to his Majesty. Of this sum, also, it had been stated that his Majesty, two or three years ago, gave a million to the public service; and he himself had stated more than once, that in the course of the last year between 3 and 400,000*l.* more were given to the captors, for the value of the prizes taken at Copenhagen, which must otherwise be paid for by the country. It therefore appeared, and that from the documents then before the House, this sum of 5,200,000*l.* had been reduced as low as

300,000*l.* The hon. gent. had only professed to argue from the papers on the table; and upon that paper, he therefore met him, without pretending to give an accurate account of the amount of this fund. He could not be called upon without any notice to state accurately what part of this fund was now undisposed of. There were some other grants made out of this fund, in the time of Mr. Pitt's administration, but which he did not think it then necessary to state.

Mr. *Creevey* did not believe that it was by any means a general practice for the crown to give two-thirds of those Droits as a remuneration to the captors. In the case of the capture of the Spanish frigates, he had good reason to believe that no such proportion had been given. It had been, however, uniformly and expressly stated, that in such cases it was mere matter of grace and royal favour whether any thing should be given to the captors or not. It was in this point of view that it had appeared to him so enormous, that the crown should get hold of eight millions of money, without rendering any account whatever of its disbursement to the public.

Lord *Milton* could not pretend to say which of the two hon. gentlemen was right. He had voted, however, against the bill, upon the idea that in the Droits of Admiralty there were sufficient funds to provide the proposed pension, without imposing any fresh burthens on the country, by charging it upon the surplus of the consolidated fund. If, however, there was not a sufficient, and by the gestures of the right hon. the Chancellor of the Exchequer, he would rather understand that there was not a sufficient fund remaining of the Droits, his objections would, of course, be done away.

The *Chancellor of the Exchequer* said, that he by no means meant, either by his words or gestures, to signify that this fund could not afford 70,000*l.* which he believed would be about the value of the purchase of such annuity. It was, however, impossible for him to avoid shewing some surprise, when, instead of 70,000*l.* five millions was the sum which had first been spoken of.

Mr. *W. Smith* said, that the question now was, whether the House should stop the progress of the bill till the account of Droits of Admiralty could be examined and discussed; or pass the bill now, and discuss afterwards whether the annuity might not be charged upon this fund? After the confession that there were 70,000*l.* in the hands of the registrar, the point, as far as the reason of the thing went, was decided. He agreed as to the monstrous nature of the circumstance, that the crown should have the disposal within a few years of eight millions of money, independent of Parliament. There had been formerly a question, whether the crown could accept of a voluntary loan, &c. but the absolute command without the controul of Parliament of this sum was monstrous. All this had arisen from the change of things in this country, to which we had not been always careful to accommodate our institutions. While the King paid his army and navy out of his own possessions, it was fair that he should have the disposal of whatever was captured. But when the country paid 19 millions for a navy, and about as much for an army, was it equitable that the crown should have the proceeds of captures without the obligation of account? Another objection to it was, that it was a bounty upon injustice. The nation would be ashamed of improper captures from foes or friends; but a minister of the day might not scruple to procure large sums in this way. He adverted to the capture of the Spanish frigates, the greatest blot upon the administration of a right hon. gent. now no more. Such temptations ought not to be left upon any ministers. He hoped the Droits of Admiralty, would, at no distant period, be regulated by an act of Parliament, but, in the mean time, it was their duty to ascertain whether the present annuity might not be supplied from them, before they agreed further to load the consolidated fund.

Mr. *Lambe* observed, that whenever the ministry came down to the House to propose a provision for any part of his Majesty's family, that House always acted with the greatest liberality. It appeared to him, however, an extraordinary contrast to this liberality, that when the House was anxious for the passing a bill to lighten in some degree the public burthens, by the suppression or regulation of useless sinecures and improvident reversions, this bill should always meet the most vexatious and pertinacious opposition from a quarter whence no such opposition ought to be expected.

Mr. *Whitbread* regretted much the absence of his right hon. friend (Mr. Tierney) who had been detained so long in a Committee above stairs, as to be prevented from being able to attend in time to give his opinion on this subject. He would, however, wish to propose to the right hon. gent. to postpone the further progress of this bill for a few days, in order in the intermediate time to ascertain what the state of the fund arising from Droits of Admiralty actually was at present. Nobody objected to the annuity, and if it should be found necessary to have recourse to the consolidated fund, the last resource of the country, he for one should not object to its being charged upon that fund. But he would put it a little *ad verecundium* to the ministers, whether, even out of regard to the crown itself, they would not agree to the proposed delay. The right hon. gent. said, he did not refuse the production of the account required; but then he refused to grant it in time to consider, whether part of the fund might not be applied to the purposes of this bill. The House had heard of a sum of a million, granted out of this fund by his Majesty for the public service, and it was to be presumed from this paternal attention to the interests of his people, that he would not refuse any sums, that could be spared, for their relief, if he were properly advised. They had also heard that his Majesty had, in his munificence, granted several large sums to some of his royal progeny; satisfied, no doubt, that the exigencies of their circumstances required such aids, and that if there had not been this fund in existence, his Majesty must have called for aid from his Parliament. It would be in the recollection of gentlemen, too, that out of this fund a sum of 25,000*l.* had been granted to sir Home Popham; and he also heard that money was granted for defraying the expences of the return of a governor-general from a distant settlement. By a particular act of Parliament, his Majesty was empowered to dispose by will of his private property. At the time that this act was passed, it certainly was not in the contemplation of the legislature that such a sum as eight millions could by possibility thus get into the possession and remain at the disposal of the crown. If this fund was not exhausted, he did not know any stronger claim that could be made upon it, than to make good this annuity. He would ask, then, whether it was wise, whether it was candid or affectionate towards his Majesty, to advise him to overlook this fund, and for this purpose apply to his subjects at once at a moment when the chancellor of the exchequer, by the measure which he proposed last night, confessed the difficulty of finding new sources of taxation, and when some (Mr. Huskisson and Mr. Rose) who had been in his confidence, whose knowledge of the subject was unquestionable, and who of late had laid the foundation of a strong claim to the confidence and approbation of the country, had urged the strong and indispensable necessity of retrenchment? When the right hon. gent. had resorted to the surplus of the consolidated fund, to furnish the ways and means of the year, a measure, which to say the least of it, he thought erroneous; was it shewing a proper regard to the dignity of the crown; was it dutiful or respectful to his Majesty, to advise him to come upon his subjects for this 7,000*l.* a year, when he himself had a fund out of which to pay it? He hoped that what his hon. friend (Mr. Lambe) had said, would sink deep into the hearts of the members of that House. All that was wanted, was, a delay till the state of the Admiralty fund could be ascertained, and with that view he moved, That the debate be adjourned till this day se'nnight.

The *Chancellor of the Exchequer* said, that it was quite clear, and as far as he could perceive agreed on all hands, that the pension could not be charged upon those droits, but would most properly in the first instance be charged on the consolidated fund. He should repeat what he had said before more than once, that if the House, upon further examination into the nature and amount of this fund, should think proper to address his Majesty to grant 70,000*l.* or a much larger sum to be transferred to the consolidated fund for the public service, it would be just as easy for them to do it after this question was disposed of; and it appeared to him, that such an address would go with a better grace at a future time, as it would not appear so directly like asking his Majesty to pay an equivalent for a grant which was supposed to proceed from the liberality of parliament.

The House then divided on Mr. Whitbread's Amendment, Ayes 37; Noes 65; Majority 28.

Mr. *Tierney* shortly after came into the House, and apologized for being absent after having given notice that it was his intention to oppose the bill. The fact was, that he was detained to a late hour in a committee up stairs, (the bullion committee), and that he imagined that another question (the finance resolutions), which was likely to take up some time, would come on before it. He gave notice now, that he should, on the first open day, move for a general account of the droits of admiralty; his object was to ascertain whether there was not a sum of 70,000*l.* disposable; and if there was, he intended to move an address to his Majesty to grant the said sum to the consolidated fund.—He also wished to know from the Chancellor of the Exchequer when he intended to bring in the bill for providing for the interest of the loan.

The *Chancellor of the Exchequer* answered, that he would, perhaps, bring it in to-morrow.

Mr. *Tierney* then expressed his intention to oppose the principle of the bill upon the second reading; as it appeared to him to be not only wrong, but a violation of faith to the public creditor, to throw this interest upon the consolidated fund.

[FINANCE RESOLUTIONS — SINECURE PLACES.] The House having, on the motion of Mr. Martin, resolved into a committee upon the third report of the finance committee,

Mr. *Bankes* rose and moved the reading of the second resolution, which being read accordingly, the hon. gent. expressed his intention of moving an amendment. It had been observed by many gentlemen, that sinecure offices ought not to be abolished until some other fund should be created, from which his Majesty might be enabled to make that provision for long and efficient public services which those occasions afforded. Now, the object of his proposed amendment would be to couple the abolition of sinecures with the substitution of such a fund—and in doing so, he hoped to render the measure of abolition more acceptable to his right hon. friend, the Chancellor of the Exchequer, and to the committee. Indeed, he thought that the substitution would take away all objections to the abolition, while there could be no doubt of its being more agreeable, not only to the country, but to such meritorious officers as were entitled to reward. For the real fact was, that sinecures had fallen so much into disgrace, perhaps from their misapplication, but certainly from a general suspicion that they were disposed of rather according to the influence of favour than of merit, that a certain degree of disrepute attached to those who accepted them—that in truth a brand or mark was fixed upon them. Therefore, those offices instead of conferring honour, the people so much revolted against them, actually attached a stigma. To take away that stigma, then from the fair objects of public bounty, it was necessary that a fund should be created in lieu of those sinecures, and also to remove the anomaly which belonged to the very principle of having officers in the receipt of salaries without any duties annexed to them. After panegyrizing the system upon which our revenue was collected, which he contended was much cheaper than that of any other nation in Europe, the hon. gent. proceeded to press upon the attention of the committee the propriety of establishing every practicable degree of economy. It was with that view he particularly recommended the adoption of the resolution. He would not be understood to expect that by any measure of this nature the clamour of certain persons could be satisfied. Those persons were not in fact to be satisfied by any thing which that House could or ought to concede. This he was extremely sorry to see. But it never could be argued that, because certain factious persons put forward extravagant demands, that House should not do what was reasonable — that parliament should not accede to whatever was fit and proper for the public welfare. These clamours had their flux and reflux, but it was notorious that they had no influence upon the proposition under discussion, which, in fact, so far as regarded the abolition of sinecures, had its origin before such clamours were heard. He trusted, therefore, that whatever might be the conduct of the factious, the Committee would never lose sight of the propriety of consulting the wishes and cultivating the good disposition of the sound and rational part of the community, who would, he had no doubt, be materially conciliated by the adoption of a measure so long and so unanimously called for—that of the abolition of sinecure offices. It would be preposterous to oppose to such a desirable measure any idea of reverence for old establishments, for it was impossible that these sinecure offices could have been originally established without any duties attached to them. The committee would in fact only repair the injuries of time by abolishing such offices. He therefore hoped for a general acquiescence in his motion, which was grounded upon the principle of moderate reform, and which, while it did away obnoxious offices, would establish a fund in their room, calculated to answer every object which those who pleaded for the existence of such offices professed to have in view. The honourable member concluded with proposing the amendment he had described.

Mr. *Martin* said, he should have been desirous to have abolished entirely all sinecure places; but as he was anxious to gain something, rather than lose all, he would accede to the amendment proposed by the hon. gentleman (Mr. Bankes.) The right hon. the Chancellor of the Exchequer had said, that the House should not interfere without being able to do something effectual. He allowed the position, because he thought it was high time they should do something effectual; for the House had been upwards of thirty years promising the people a relief or alleviation from these burdens, and yet, let who would bring forward the subject, nothing had been done in it. He thought the hon. gentleman had founded his resolutions on those of Lord North in 1782; and though he differed in opinion as to the effect, yet he was willing to support the hon. gent's. resolutions, because, as he before said, he would be willing to obtain a little rather than to do nothing. He had however, a very great objection to the system of rewarding public services, by sinecure places, because the crown was not conscious of what it gave; and to prevent the servants of the public from being too profusely rewarded, it would be more satisfactory to the parties requiring reward for public services, to have the reward defined, than to have it conferred in the way in which it was now done. And as the national debt had increased in a degree beyond all imagination, it was the duty of the House to lessen these burthens as much as possible. There was one circumstance which struck him most forcibly, which was, that where a person of large hereditary fortune had done meritorious services, he ought not surely to expect the same degree of remuneration as a person who had dedicated his whole life without any fortune of his own to support him, save only his own exertions and superior talents. Under these circumstances, being desirous to obtain the best relief he was able, he should support the resolution of the hon. gentleman.

Mr. *Long*, in allusion to the opinion of Mr. Burke with respect to the abolition of places of this description, stated that it was not the opinion of that gentleman that all sinecure offices should be abolished. The hon. gent. who proposed the amendment had not stated any substitution for the places abolished, nor had he indeed informed the House at what time the abolition was to take place. He had seemed to consider that in the distribution of the offices there were great abuses, and that the crown had influence sufficient. But when the House should consider the difference in the value of money now and at the time when his Majesty came to the throne they would find the influence of the crown had derived very little accession from the disposal of the sinecures. It did not appear that the hon. gent. had furnished a sufficient argument for the abolition, because though persons might have done little service to the state, still they deserved reward. He entirely differed from him in the idea that civil servants should not be rewarded with sinecure offices, on the contrary he conceived that none but civil servants ought to be rewarded in that manner. For instance would it be correct to have rewarded such a man as lord Nelson with the place of auditor of the exchequer?

Lord *Althorpe* would support the amendment, although his opinion was rather in favour of the original resolutions. He asserted that the influence of the crown had increased insomuch that in order to preserve the balance of the constitution it was desirable that that influence should be reduced. Therefore the total abolition of sinecures would more readily meet his approbation. As a means of rewarding meritorious services, which was the alledged plea for the existence of these sinecures, he thought them peculiarly unsuitable, and for two reasons; first, because, when the meritorious service should recur which called for reward, it was improbable that a sinecure office would be vacant; and, secondly, because, it was improbable that such office would be a fit reward for such service.

Mr. *W. Smith* said, that all the House was at present bound to do was, to consider the advantages resulting from both plans, and to do something that would make matters better than they are at this moment. Notwithstanding what had just been said by the right hon. gent. who spoke last but one, he could not conceive the reason why naval and military services should not be rewarded from sinecure offices. It would certainly be an alleviation of the public burdens; and the only advantageous ground that ministers had to stand on was, that it was a custom which had long prevailed that they should altogether be applied to civil services. He thought it most extraordinary, that after giving a sinecure office of 2,700*l.* a year to a right hon. gent. (Mr. Yorke) that same person should, in a very short time afterwards, be appointed to one of the first offices under the government, viz. that of first lord of the admiralty. If the right hon. gent. had been rewarded with a pension, he thought it would have been otherwise. It had been said on this subject, that these sinecures were originally intended, not only as rewards for services performed, but as marks of the sovereign's favour. He would, however, be bound to say, that from the Norman conquest to the present moment, there was no one reign in which this sort of favouritism, whenever exerted, was not unfortunate. What, he asked, had become of the 60,000*l.* a year granted for the privy purse of his Majesty, which was intended to be for the very purpose of enabling his Majesty to confer marks of his favour in rewarding public services; yet on every occasion which had since occurred, where public services were to be rewarded, this 60,000*l.* a year, instead of being applied to that purpose, had been expended, no one knew how; and in the reward of public services ministers had uniformly applied to parliament for grants from the civil list. When the crown granted the office of registrar of the admiralty to the right hon. gent.'s (the Chancellor of the Exchequer) father, it never could have imagined that the fees would amount to the enormous sums it now did, from the circumstance of the navy of England taking prizes from every nation in the world that sent ships to sea; and it was certainly extravagant beyond measure, that such an office should be continued further than the life of the present remaining reversioners.—He contended that the principle on which the present resolution was founded, was not new, but had been acted upon through a long series of years; and, in support of his opinion, quoted several acts of resumption in many reigns. Novelty could not, therefore, be urged against the measure. The necessity for abolishing sinecures, arose from the severe pressure of the public burdens. These could only be reduced by lowering the annual expenditure, and not less by the present measure, which would convince the people that, whether great or small, the economy of government was directed to prevent any imprudent waste of money, which, by being restrained would lessen the taxes. It had been said, that all officers attached to the crown, and princes of the blood, should be spared in this reform; but he had no hesitation in saying, that the dignity and honour of the crown would be more effectually consulted in attaching the affections of the people, than by pensioning 12 lords of the bed-chamber at 1,000*l.* a year, who had votes in the other House, and generally voted one way. Were they without salary, would the splendour of the crown be diminished, or the character of these noble lords lowered in public estimation?

Mr. *Bastard* declared it absolutely necessary in consequence of the extended patronage of the crown, and of extended burthens of the people, to follow up the principle of retrenchment in every department of the state. There was a ferment abroad; and the surest way to disarm those actuated by improper hopes was to afford reasonable indulgence to the great body of the people.—The ferment existing had not a stronger source of supply than in the thought, that whilst committees of that House were suggesting many plans of economical reform, as absolutely necessary, the House was in the uniform habit of not only not attending to, but of actually over-ruling their suggestions. He concluded with observing, that even if the House was not inclined to be honest from principle, the time was now come when it should be so from necessity.

Mr. *Wharton* said, the retrenchment of sinecures would not lessen in any extent worth notice, the burdens of the people. It was therefore on the principle alone that the matter was worth discussing. He objected to the present resolutions, because they abolished one source of reward, and said they would substitute another, which other they did not define. In opposition to the noble lord and hon. gent. opposite (lord Althorpe and Mr. Smith) he asserted, that the influence of the crown, so far from having increased, had decreased—(Shouts of hear! hear! from the Opposition.) He defended this assertion, on the ground that though the patronage of the crown had increased double since 1782, in consequence of the increased expenditure, yet that it was not in a greater proportion to the wealth and population of the country, on which it had now to operate. In proof of this, he took the value of land and of trade, and thence deduced, that the wealth of the nation was in proportion of five to one, to what it had been in 1782.

Mr. *Whitbread* said, the speech of the hon. and learned secretary of the treasury was a repetition of what he understood was said by him over and over again in the Committee-room up stairs. Indeed it was more applicable to any other subject than to the one on which it was introduced; it would suit a discussion upon the assize of bread much better, than a debate on the propriety of this restriction of the grants of the crown. With respect to these sinecures the country had but one opinion: from the system of favouritism pursued and the abuses visible in the way in which they were conferred, scarce a man out of the doors of that House could be found their advocate. They were not suited to the taste of the army, nor to the navy; but in the language of the hon. secretary, they were fitted for the civil department—that was for such efficient public servants as the learned secretary himself.—Mr. Whitbread next adverted to the grant recently made to Mr. Yorke, and contended that the public were not alone disgusted with such grant, but that from such an illustration every sinecure grant became an object of public aversion. Such opinions had been expressed in that House very generally, and he had himself heard the present secretary for Ireland (Mr. W. Pole) and a colonel (Wood) of one of the Middlesex regiments of militia state, that for their public services, whenever it should be thought fit to reward them, they would never condescend to take a sinecure office. Numerous were the evil effects, arising from such grants, and not the less considerable one was that these sinecures prevented the necessary increase of salary to the great efficient offices of the state. What for instance was the argument advanced in the favour of the Chancellor of the Exchequer, when it was in contemplation to give him the Chancellorship of the duchy of Lancaster for life? It was then contended that the salary of the first office was not a sufficient remuneration for the discharge of its duties. It was however to be presumed, now that the same right hon. gent. was also first lord of the treasury, that he would not condescend to take that of the duchy and to receive the salaries of three offices. (It was here whispered to Mr. Whitbread that he did not take the salary of Chancellor of the Exchequer). He begged pardon; he really had only just heard what he was before unacquainted with, that the right hon. gent. had declined, by a minute of the treasury, receiving the emoluments of the Chancellorship of the Exchequer; he had not been before informed of the fact, and therefore it was not to be wondered at that he had made the mistake. The option of such emoluments ought not, however, to be left to any man, and in his opinion, as well for their integral impropriety as for their lately incurred disgrace, sinecures themselves ought to be altogether abolished. To prove the gross misapplication of those sinecures he had only to state that Mr. Yorke had got 2,700*l.* a year, and lord Wellington only received 2,000*l.* Thus it was court favourites were rewarded, even above those whom ministers themselves decided to have merit. He wished before he sat down, totally to disapprove of the distinction which the learned gentleman who spoke last, seemed to make between the King and the people; they were one and indivisible, and the King's best interests depended on and sprung from the people.

The *Chancellor of the Exchequer* agreed with the hon. gent. as to one point, that the interests of the King and people were the same. With respect to the propositions brought forward, he considered one of them as wholly useless. The adoption of it would effect nothing in point of economy, and do but little towards the diminution of prerogative. The proposition he alluded to was, that which declared that the remuneration of services by pension, was preferable to that by sinecure offices. He could not adopt his hon. friend's distinction, that pensions were more honourable than sinecures. He was persuaded that such a change would not abate one particle of the clamour that was so industriously excited against the latter. The gentlemen opposite would quarrel with pensions just as they did with sinecures. Did any man believe that this was the way to please and content the people, or appease the clamour, which those who declaim against sinecures, as stigmatising the individuals who accepted of them were too apt to increase? He defended the appointment of Mr. Yorke, than whom a more honourable man did not exist; and contended that this appointment had cast no odium on the system of rewarding services by grants of sinecure places. As for his emoluments, if it would afford the hon. gent. any pleasure, he could inform him that Mr. Yorke had, in consequence of holding the office of teller of the exchequer, relinquished the 2,000*l.* a year additional granted during the administration, of which Mr. T. Grenville formed a part, to that gentleman, as first lord of the admiralty.—He was not for his own part disposed to agree in the assertion that that House never could be backward in liberally rewarding public services. Why, those were the very services respecting the remuneration of which an impartial decision could never be expected from the House. It was impossible that gentlemen could agree to reward those whom they were in the habit of opposing for a number of years, and whose acts they reprobated or affected to condemn as the cause of whatever calamities might have befallen the country. He protested too against the position laid down by his hon. friend (Mr. Bankes), that an office granted under the great seal might be resumed. The admission of such a principle would shake the foundation of all property. It might as well be said, that the donation lands granted by Henry the 8th to the ancestors of the duke of Bedford might be cancelled at this day, because they became infinitely more valuable than the original donor intended. There were only two ways in which the proposition could come recommended, with regard to its economical effect, and as it might diminish the prerogative. Of the former the House had no proof whatever before it; as to the latter he was persuaded, the same objections would apply to pensions that were urged against sinecures. Upon these grounds he should feel bound to oppose the Resolution as not likely to give satisfaction in any point of view.

Lord *Milton* was of opinion, that the resolutions of his hon. friend deserved the support of the House. He thought, if they were carried, they would do away a great deal of public scandal. A sinecure when once granted must be conferred anew when it became vacant, whether there was or was not a deserving person ready to receive it. This was not the case with a pension. As to the influence of the crown, he thought it had increased in a very rapid degree. He was not a person whose sentiments would be suspected; but he would rather consent to be plundered of his property than to give up his liberties. He thought this one of those otherwise indifferent propositions, by which it was possible, by agreeing to it to separate those who felt well-grounded discontent from those who pretended to feel so. The motion, therefore, had his support.

Mr. *Canning* maintained that the fabric of the monarchy could never be supported except the throne was surrounded, not merely by a decent but a gorgeous splendour. He was persuaded the offices, which his hon. friend proposed to abolish could not be touched without vital danger to the constitution. Something however should be done with the Report. The House should either concur in the propositions contained in it, or negative them altogether. His objection to the proposition of his hon. friend, was that he adopted only half of the plan recommended by the Committee. He could not, however, withhold his assent from the principle of the resolution. He believed, that the objection on the score of public odium was much exaggerated; and he was also persuaded, that the power of disposing of sinecure offices never had been abused to the extent which had been asserted. He could not see how it was possible to provide by any legislative measure that the salaries of sinecure offices should merge whenever the person enjoying them should be improved in his circumstances. Such a hint urged as an argument *ad verecundiam* might be employed, but he did not see, how it could be applied, to establish a right to inquire into a person's private affairs. In cases of returning to public service, it was otherwise. That frequently occurred in the instances of ambassadors to foreign states, and the office of lord chancellor. He agreed with his right hon. friend as to the futility of leaving the remuneration of public services to the House of Commons. It would not be merely unadvisable, but dangerous in the extreme that it should exclusively possess such a power. Such was not the plan of his hon. friend. It appeared to be his intention, that the source of remuneration should still remain in the crown, but that the channel through which it was to flow should be changed: that it should be done by pension instead of sinecure. He was of opinion that the objection respecting limitation of service as a claim to remuneration might be easily got over. He did not view the proposition as trenching on the prerogative of the crown. He considered himself, however, no farther bound by his vote than to entertain the proposition. Whether he might hereafter assent to it wholly, or in part, would depend on the view in which it would be presented to him.

Mr. *Peter Moore* then rose and said, However unwilling I am to trouble the committee at this late hour, on a question too which has so often been debated, and therefore almost precludes the possibility of introducing novelty, I must nevertheless throw myself on the patience and indulgence of the Committee for a very short time. It will be in the recollection of the Committee, that when my hon. and learned friend (Mr. Martin) originally introduced to the House his propositions, arising out of the Third Report of the Committee of Finance, I declared my opinion, in the most decisive and unqualified terms, that as his propositions did not go far enough, inasmuch as they did not go to an absolute and positive abolition of these sinecures, I could not support them; of course, finding that the propositions now before the Committee, brought forward by the hon. gent. on the floor (Mr. Bankes) even fall far short of my learned friend's, it cannot be expected that they will meet my support. They cannot, Sir. I will not be content with any measure that shall fall short of complete abolition; because I feel and know the whole of this expenditure to be a direct waste of the public property; and, so feeling, I shall ill discharge the duty I owe to my constituents in particular, and to the state at large, if I countenance the continuance of an expenditure of this description. No, Sir; it is my duty to press and to insist on the abolition; and it is the just expectation of the public, who have repeatedly and firmly demanded it, by petitions and humble applications for a series of time past, that they should be relieved from these burthens. In the principle of this expectation, I am glad to find that the House are generally agreed; for, except the right hon. the chancellor of the exchequer, and the hon. gent. (Mr. Wharton) who sits near him, as far as the avowed sentiments of individual members can authorise such a conclusion, there appears to be no objection to the abolition, provided the Committee agree to some kind of substitute which is to be proposed hereafter on the strength of the amendment proposed by the hon. mover, to form a fund for the reward of public services, to be at the disposal of the crown, in lieu of these exceptionable sinecures. But, let the committee consider a little the grounds on which the right hon. the chancellor of the exchequer treats this position. He considers it on two grounds: first, as to the quantum of saving to the public after a substitute shall have been established; and, secondly, how far it will diminish the influence of the crown. Now, as to the first point, the right hon. gent. makes it a matter of calculation. I am glad of it, because, then, though contrary to his general position, the right hon. gent. subscribes to the propriety of conceding this obnoxious source of expenditure to the people, and removing the odium in which it is justly held. He is, however, pleased to contend, that subject to this operation, when the substitute has been formed, the residue will be so very small, that it could not be an object worthy the experiment. I hope, in these times, every retrenchment, however small, when retrenchment is become necessary, and has been so loudly demanded, will not be lost sight of; as a great number of small savings will soon form a considerable aggregate; and it ought to be immaterial to the public and to the Committee from whence they are derived, provided the aggregate be realized. Now, Sir, let me suppose that aggregate formed, by economical contributions, 3 or 400*l.* from one place, 2 or 3000 from another, ready for public appropriation. If we cannot have millions thus accumulated, as we ought to have, let us have hundred thousands, or fifty thousands, or even less sums, and then let the House avail themselves of (by rigidly applying) the congratulations of yesterday on the very advantageous terms on which the loan of the year has been contracted for. According to those terms, every 40,000 guineas and a small fraction of this aggregate of our savings, will exonerate the public burthens on the people to the amount of a million sterling. I have no doubt, that the abolition of these sinecures, would produce some millions in this way; and I have no hesitation in saying, the public have a right to demand it, as they have done, and to expect it, in common justice, from the fidelity of their trustees in this House, in relief of their own heavy burthens. These, then, would form no contemptible saving, as it was asserted, even in this operation, though the substitute were formed, to which I will not consent, as that would be a mere conversion, a mere change of terms, deluding and virtually disappointing the public expectation. Now, as to the second point, how far this operation will diminish the influence of the crown. In considering this point, the right hon. the chancellor of the exchequer adopts and rests himself entirely on the doctrine and calculations of the hon. gent. near him, and, to use his own words, cordially unites in the sentiments of the hon. gent. as to the very dreadful consequences to be apprehended from this desperate entrenchment on the influence of the crown. One would suppose, Sir, that in approaching this very small sum as a reform, which the chancellor of the exchequer declares to be of no consideration as a relief to the people, and unworthy of public attention, that we were proceeding violently to snatch away the whole supplies of the empire, and to annihilate the very existence of the executive influence. Thus, when the question relates to the people, it is a sum of no consideration; but the moment it relates to the crown, it is of vast importance, dangerous in the extreme, and of far more value than all the remaining eighty millions levied from the country financial expenditure, which, in fact, are not worth the acceptance of the crown when stripped of these odd farthings, to which the amount of the sinecures may not be unfairly compared, when they looked at the immense magnitude of the annual expences. But, let the committee go a little further, and examine the general doctrine, as it involves and exposes the reasoning of both these gentlemen. They have insisted that this paltry consideration cannot possibly be spared to the people without imminent danger to the public service, contending, as they do, that the influence of the crown has not encreased, as it ought to have done, since the year 1782, when Mr. Burke's Bill of Reform passed, in proportion to the encreased wealth and population of the country. Now this encrease of the wealth and population of the country, the hon. gent. from a variety of very minute calculations on the price of bread, &c. establishes on what he calls an exact ratio of three to one. But, forsooth, the hon. gent. only takes one side of the acconnt; he carefully withholds and smothers the calculated ratio on which the influence of the crown has increased; this, therefore, I will endeavour to supply for him. Indeed, had he been inclined to furnish it, he need not have travelled far for it, nor have been at any great pains to obtain it; for, if he would only have asked the right hon. gent. (Mr. Rose), who sits next him, or have had the goodness to recollect what that right hon. gent. declared only last night on this very point, or even have reflected on the sum of his own annual account for last year, delivered only yesterday, he would readily have found the fair ratio, which he has, conveniently for his argument, omitted. Now, Sir, I will agree to take it in the very words of the right hon. gent. (Mr. Rose,) last night: they were these—"that while he had been in office, he had witnessed the growth of the public expenditure, from ten millions per annum to eighty millions per annum." Here then, the Committee will find the proportions of the encrease of the influence of the crown, in the same periods, which are no less than eight to one; and thus rests the whole position and conclusion, that if the encrease of the wealth and population of the country be as three to one, the increase of the influence of the crown in the same period, has been as eight to one, without taking into any calculation the dormant and unsought influence of honours, titles, offices, stations, governments, &c. &c. throughout a vastly extended empire; army, navy, ordnance, &c.; promotions in all the various public departments of the state.—Yet, Sir, with all this encrease, so threatening to public liberty, so dangerous to general liberty, the right hon. gentlemen opposite, are uncommonly alarmed, lest the taking away the odd farthings and fractions from an expenditure, which, by the account now produced, last year exceeded 86,000,000*l.* the state should be overthrown, the national fabric should be subverted, and not a wreck of the whole empire should be left behind.—But, Sir, I do hope and trust, the public are tired of alarms, and that the Committee will be of a very opposite opinion, and come to a resolution promptly and instantly to abolish the whole of these sinecures. They ought to do so. The deplorable state of the country demands it—the people have demanded; and must, as I shall do, consider any modification in the way of substitute, as a mockery of their expectations and an insult to their feelings. Now, Sir, all this systematic opposition to reform of every kind, seems to be both unnatural and unaccountable to ordinary understanding. It is allowed on all sides, that reform, economy, and retrenchment, are necessary, and some gentlemen on the other side, say, laudable; that the crisis of our financial condition requires, and the safety of the nation renders it indispensable. This is broadly admitted even amongst ourselves; and our constituents, with attention as vigilant, minds as masculine, and judgments as correct as any within these walls, petition for it and demand it at our hands, in the express terms of the abolition of sinecures, unnecessary places, and improper pensions. These objects, though controverted by the treasury bench almost as much as if there were not any applications on the subject, form the very essence and substance of various resolutions at public meetings and of petitions to this House. Where then could the Committee more properly begin with retrenchment, than in the discontinuance of these odious payments, called sinecures, which have long been a disgrace to our establishments; are wholly an abuse of the supplies especially voted for, and exclusively consecrated to the safety, the honour, and dignity of the empire: and the payment of which ought never to have been tolerated. If the House refuse this abolition and reform, so obvious and so very reasonable, look to the consequences; the hopes and expectations of the people must vanish for ever, and give place to despair; it must teach them to believe, that much and plausibly as their representatives and trustees amuse them with the prospect of economy and reform, they mean to deceive them and resist every species of it. I have resolved to exonerate myself by giving the Committee these my sentiments, that it may not be forgotten that I have protested against the consequences, and exerted my endeavours to avert them. But this resistance to the fair expectations of the public, does not, in my opinion, terminate the mischief, which from the sentiments of his Majesty's ministers this night, manifestly threatens to be infinitely more extensive and calamitous; and I draw the most alarming conclusions from their conduct, comparing it with his Majesty's uniform speeches from the throne, to relieve the burthens of the country, and to spare his people; and the more especially, in that benevolent, but most memorable speech from the throne with which the no popery administration commenced its desperate and deplorable career in 1807. In that speech, after emphatically calling the attention of both Houses of Parliament to a system of rigid economy, his Majesty was pleased most graciously to conclude in these unqualified and endearing words, "that his Majesty had no cause but that of his people." Now, Sir, when I recollect these gracious benevolent and famed declarations of his Majesty from the throne, which his ministers are in duty and allegiance bound to act up to and fulfil, as to the tenor of their commission, and the line of their office; and witness nothing on their parts or in their measures and conduct, but a direct, undisguised, and systematic counteraction of his Majesty's intentions towards his subjects: when I witness a scornful and deaf ear uniformly turned to the necessities of the people urgently claiming relief; combining these facts with the means lately taken by his Majesty's ministers to obstruct and to prevent petitions and humble statements of the grievances felt by his subjects, claiming his royal interposition and protection, being constitutionally presented to the throne; I can only form one obvious conclusion, that his Majesty is kept in ignorance of, and does not know, the calamitous condition to which his ministers have reduced his empire, that he does not know, that his ministers have studiously defeated his royal intentions towards his subjects; and that they have formed an unconstitutional system on which they are acting to keep the sentiments, and prayers, and growing distresses, of his attached people, and the accumulating difficulties of the country, so entirely from his knowledge, as to deprive the nation of all hope of his benign interposition. I repeat, that these various combinations fully authorise the conclusion, that his Majesty is studiously kept in the dark as to our growing distressess, and of the precarious condition to which the stability and tranquillity of the empire is thus reduced. And thus believing, I feel, or I would not express it, that it becomes the imperative duty of this House, from which they ought not to shrink, to ascertain the fact; to remove all unconstitutional obstructions, and to re-establish that dignified constitutional communication between a beloved sovereign and his affectionate people, as shall assure the people, that they still live under and enjoy the paternal protection of his Majesty, and shall restore confidence, to the country—that confidence, which has hitherto excited energy in the people, produced strength to the empire, splendour to the monarchy, and jurisdiction and stability to every one of its very important manifold institutions—that confidence, which, under the various struggles of our ancestors, to place the personal freedom of the subject, and the security of personal property, under the exclusive dominion of the law, formed the British constitution itself ! ! !

I have only one point more, and I shall make my humble thanks to the Committee for their attention. The point to which I allude, respects the debates which lately occupied the House on the subject of petitions, addresses, and popular proceedings in and out of this House.—(Question, question !) The Committee need not be alarmed, for I shall be very short in what I have to say ; and that in explanation of my own conduct in the House ; and indeed, I shall shew that it was a portion of their time justly due to me. They will do me the honour to recollect, that during the whole of the late discussions on these popular topics, I have not taken any other part, than contenting myself with uniformly marking and recording my sentiments by the votes which I have given. I have uniformly voted in defence of the popular rights, because, I believe and feel, that they were just and undoubted rights, and that therefore it is my duty to support them. I have been more than once privately asked, by some members uniformly voting on the other side of the House, who had observed this my line of conduct, the reasons for it ? I will now endeavour to give the same explanations to the Committee as I gave to those gentlemen ; that I thought and felt that the people, as the constituent body, inseparable from ourselves as their deputies ; that we belonged to them and they to us ; and that if a separation once took place, we must be extinguished, but that they would still exist with the united powers and strength of constituent and representative ; that as they had right, and it was their interest and province occasionally, to instruct their deputies, they must have a right to petition, to remonstrate, and fairly to take broad, extensive, and commensurate exceptions to our conduct ; and that, in the constitutional exercise of their rights, while they do not exceed, in latitude and strength of expression, the unchecked latitude and strength of expression which we were uniformly in the habit of using amongst ourselves, than which nothing could be stronger, in the unbounded and almost uncontrouled freedom of debate, in what is termed parliamentary language, that their addresses ought not to be deemed exceptionable ; that I could not draw that wide distinction of language between the constituent and representative, because the one was within the House, and the other was without the same House, which is the house of legislature, specially and exclusively appropriated to the third estate of the empire, consisting of the whole of the people ; and that I had oberved that the petitions and addresses deemed the most exceptionable, were, in fact, not more than repetitions and quotations of proceedings and speeches in the House. On these grounds, I had so voted ; but, that perceiving the tide of the House otherwise strongly set in, and followed by many of my hon. friends on this side of it, who had been, some three times, and others four and five times as long a member as myself, I did not think it became me promptly to oppose my reasoning to theirs, on conduct which they alledged they had so long witnessed. But, from the most mature reflection since, I was now fully satisfied, that the House had mistaken its way, and had departed from the ancient constitutional course, by intercepting and obstructing the free exercise of those ancient privileges of the people, from which the very existence of the House itself, and their own privileges and authorities, had been derived, and erected, and which must be held, as sacred by, and as dear to, the country at large, as the privileges and existence of that House itself.—But, (continued the hon. member,) let the House endeavour to explore the real causes and motives of these various petitions, addresses, resolutions, and remonstrances. I believe and feel they do not by any means proceed from any imputed or imaginary instigation by individuals ; on the contrary, I believe the truth to be, that individual leaders had nothing to do with them, except by involuntary adoption, the effect of feeling and suffering.—I feel and believe that the House must be so persuaded, or blind to the state of the nation ; that discontents pervade the whole nation to a more alarming degree than ever before known ; and that the whole country is in a state of great irritation on account of the severity of the burthens of taxation, and the rigid, coarse, and unfeeling manner in which the payment of taxes had been inforced. Popular individuals are continually changing. One is paramount in public estimation this year; another was paramount last year; and a third, now no more, was the paramount favourite with the populace the year preceding. This popularity, I have observed, was generally of very short duration, and was constantly fluctuating. But, the discontents of the nation have long been maturely, and are continually, growing into stability: their existence seems to be perpetuated, as may naturally be expected, with their cause and the root of their cause; viz. taxation, and the constant and perpetual growth of taxation, to an amount, which now forbids (under the system of the present ministers) all hope of diminution or relief for at least many generations to come, however industriously the nation may have been deluded to think otherwise, from the operations of the sinking fund. And this irritation to discontent is not a little strengthened and inforced, by the people having long been persuaded, and now knowing full well, that these taxes, thus exacted from them, have not been honestly applied to state purposes, but have been profligately and wantonly dissipated and abused, and that every public office and department of the state, from which a report has hitherto been laid on the table of the House, exhibits indubitable testimony in confirmation of these opinions. Be it as it may in point of extent, with such documents before the House and the public, it would be idle and false to assert, that the public opinion was without foundation. Hence, the manifest cause of the present discontents. These discontents I can only compare to a hidden or half smothered fire, ready to break out and rage, and attach itself to any kind of conductor; a match, a piece of paper, muslin, or any other tangible point of attraction coming within the possible reach of its impatient, indiscriminating, and devouring influence.—In this condition, I considered these discontents to be, when the late and extraordinary question, now likely to undergo discussion before one of the law tribunals of the kingdom, was hastily dragged forward, agitated, and decided by this House. And I feel that all the subsequent popular agitations and meetings in the metropolis, their resolutions, addresses, petitions, and remonstrances, have been nothing more than the consequences of the pre-existing grievances, only suddenly bursting forth as to a convenient rallying point, which chance had thus unexpectedly presented to them. On this reasoning, and subscribing to the influence of it on my mind, I think it would have been wise and right to have received those petitions of the people; and on this additional ground, that if they had been attended with no better success than the popular harangues and debates in their behalf in this House, which from the bad promise and complexion of this night's debate, resisting the very moderate reform contended and petitioned for, would most indubitably have been their certain and devoted fate;—these alledged violent and alarming petitions, like the still more violent debates of this House, might by this time have become a dead letter, and the agitation of the public mind have subsided, at least, for this sessions: whereas, by rejecting them, and more especially in the scornful manner in which I feel they have been rejected, the public irritation has been furnished with additional provocation, and the rejection has excited such an additional degree of dissatisfaction, as the House must apprehend would keep the contest and the agitation of the country alive—such an agitation, as the rejection of the very reasonable proposition before the Committee, to abolish disgraceful sinecures, will not be calculated to dissipate. I again contend for the entire and instant abolition, and will not consent to any substitute or modification; which I repeat can only be felt by the country as a mockery of their very reasonable expectations."—Mr. Moore concluded by again imploring the Committee to be steady and faithful in performing their duty to their constituents by insisting on removing all unnatural obstruction to the dignified, honourable and constitutional intercourse, coeval with the existence of the constitution between the sovereign and the people. He reminded the Committee that the object and end of all governments and associated communities was the happiness of the governed; of the people at large; that the people of the united empire were anxiously looking to them as their trustees for relief—that the throne of every monarchy should be planted in the hearts of its subjects, an end easily obtained, as the people, always ready and willing to make every necessary and even generous sacrifice, conditioned only that they shall not be oppressed. Mr. Moore repeated his call upon the House to perform their duty to their sovereign—to support their own dignity and integrity—faithfully to discharge their delegated trust to the people their constituents, and not silently and negligently suffer the country to be betrayed into its destruction. His only object was to preserve the whole, entirely in strength, in tranquillity and in prosperity.

A division then took place—

For Mr. Bankes's Resolution 93; Against it 99; Majority for ministers 6;

On the re-admission of strangers, we found Mr. Martin on his legs, declaring his readiness to suffer his Resolutions to be negatived without any discussion, and those of the Chancellor of the Exchequer to be agreed to, on an understanding that it would be open to gentlemen to debate the latter on the Report. This proposition was assented to on the part of the Chancellor of the Exchequer, upon which the House resumed, and the Report was ordered to be received on Tuesday next.

APPENDIX.

APPENDIX

TO THE

PARLIAMENTARY DEBATES,

VOLUME XVI.

Papers relative to the Expedition to the Scheldt.

(Concluded from Appendix to Vol. XV. *p.* 6lxii.*)*

Copy of the Earl of Chatham's Statement of his Proceedings; dated 15th October 1809. Presented to the King, 14th February 1810.—*Ordered, by the House of Commons to be printed,* 19*th February,* 1810.

IN submitting to your Majesty a Statement of my Proceedings in the execution of the service your Majesty was graciously pleased to confide to me, and of the events which occurred in the course of it, it is not my intention to trouble your Majesty with any further details of the earlier parts of our operations, which, having terminated in the speedy reduction of Walcheren by your Majesty's troops, and the occupation of the adjacent islands, and of the important post of Batz, received at the time your Majesty's most gracious approbation; but to confine myself principally in the Narrative, which I am anxious to be permitted to bring under your Majesty's view, to the consideration of the two following points, as most immediately applying to the conduct and final result of the Expedition to the Scheldt:—1st. The ground upon which after the army was at length assembled near Batz, a landing in prosecution of the ulterior objects of the Expedition was not deemed advisable:—2dly. Why that army was not sooner there assembled, in readiness to commence further operations.

With respect to the former proposition, I am inclined to think that it is so clear and evident, that no further operations could at that time, and in the then sickly state of the army, have been undertaken with any prospect of success, that it would be unnecessarily trespassing on your Majesty to enter into much more detail on this point than has been already brought before your Majesty, in my dispatch of the 29th of August; and the chief object of this Paper will be directed to shew to your Majesty, that the second point, namely, why the army was not brought up sooner to the destination from whence its ulterior operations were to commence; is purely a naval consideration, and that the delay did in no shape rest with me, or depend upon any arrangements in which the army was concerned, every facility on the contrary, having been afforded by their movements to the speedy progress of the armament.

In doing this, it will, I conceive, be necessary for the sake of perspicuity, that I should take up the consideration of this business from its commencement.

Your Majesty will permit me here to recall to your recollection the change which took place in the original project formed for the attack of Antwerp, and of the French fleet in the West Scheldt, in consequence of the opinions of the general and staff officers to whom this question was referred; and a combined operation of the army and navy, the whole with the exception of the force to be left for the reduction of Walcheren, to proceed up the West Scheldt, was accordingly determined on.

Upon the practicability of such an operation being at once carried into execution, which was however the groundwork of the Expedition, and, which alone, in the opinion of all persons consulted, seemed to afford any prospect of success, even in the most sanguine view of the subject in all other respects, I must confess I entertained great doubts, till the communication of a distinct official opinion, given on this point by the lords of the admiralty, decided in the affirmative this important question.

At the same time it is to be remarked, that the occupation of Walcheren, which by some persons it had been thought possible to leave behind us, and the reduction of Flushing, which it had once been proposed only to mask, were deemed indispensable to the security of the fleet, in case of disaster; and accordingly a considerable separate force was allotted to this service; and, in this view, it was besides distinctly agreed upon, that a vigorous attack by the navy upon the sea front should be made at the same time that the troops, after effecting their landing, advanced to invest Flushing; it being hoped that by a powerful co-operation from the sea, at the moment the troops presented themselves before the place, the labour and delay of a regular siege might have been avoided, and a considerable portion of the force allotted to this service set at liberty to follow the army up the Scheldt. How far this expectation was fulfilled, or whether the assurance given that the whole of the armament (the part to be landed at Walcheren excepted) should be at once transported up the Scheldt, in prosecution of the ultimate objects of the Expedition, was carried into effect, or was wholly disappointed, the information already before your Majesty will have in a great measure shewn, and which it will be my duty to bring more particularly under your Majesty's view, when I detail the subsequent course of our proceedings.

From what cause this failure ensued, whether it arose from insufficient arrangements on the part of the admiral, or was the unavoidable result of difficulties inherent in the nature of the Expedition itself, it is not for me, considering it entirely as a naval question, to presume to offer any opinion upon to your Majesty.

It may, however, be here proper to remark, that, in all the projects which have at various times been brought forward on the subject of an attack upon the island of Walcheren and the Scheldt, the necessity of having a wind a good deal to the Westward, with moderate weather, has always been insisted on. Without these advantages, in the one case, the passage would be difficult; in the other, the surf would prevent a landing on the points deemed most favourable in other respects. In the present instance, owing to the wind blowing strong from the westward, the surf was actually such as to prevent a landing on either of the points first fixed on for that purpose by the admiral; and the situation of the gunboats and transports at anchor in the Stone Deep becoming very critical, and the gale increasing, he found it necessary to carry such part of the fleet as was arrived for safety into the Roompot, and by which means the division of the army destined for the attack of Walcheren was enabled to affect its landing from a more sheltered anchoroge on the Bree Sand to the westward of Fort den Haak. At this time, the division under lieutenant general lord Roslyn, as well as that under lieutenant general Grosvenor, also the cavalry, artillery, &c. were not arrived: but they were afterwards, on their making the island, ordered by the admiral into the Veer Gat. It is, however, particularly deserving of attention, that this measure, though in itself one of great advantage, as far as it applied to the division destined for the attack of Walcheren, by placing the transports, storeships, and small craft in security, was, if carried further, certainly not a little at variance with the leading purpose of the Expedition, namely the running with the right wing, and the advance of the army at once up the West Scheldt, at the same moment that the attack upon Walcheren was proceeding: but that even this need have delayed it for more than three or four days, unless on account of naval difficulties, which it will be for the admiral, not for me, to explain, I deny; for as soon as Ter Veere and the fort of Rammakins fell, which happened on the 3d of August, the passage of the Sloe was open to the transports and gun-vessels; or they might have entered by the Durloo or by the Zoutland passages, the batteries of Dyskook, of Vygeeter, and the Nolle, having been all carried by the army early on the 1st of August; and on the same day the battery of Borslen at the south-west end of South Beveland was abandoned on the movement of a detachment from the corps under sir John Hope; and I know of nothing (but this, of course, is a point for the admiral to speak to) to have prevented the line-of-battle ships and frigates from coming in and passing up above Flushing in the first instance, according to the plan originally decided upon.

Before, however, I pursue further the details of the proceedings of the army, governed as they necessarily were (until a footing should be gained on the continent) by the movements of the navy, I must for a moment refer to two separate operations; the one under lieutenant gegeneral lord Huntley and commodore Owen, and the other under lieutenant general sir John Hope and rear admiral sir Richard Keats; but both directed to assist and ensure a rapid progress up the Scheldt, had the admiral found it practicable in other respects. With respect to the former which was destined to destroy the Cadsand batteries, and particularly that of Breskens, had it been carried at once into effect, and that the admiral could have availed himself of it, to take the ships up the West Scheldt by the Weeling Passage, it would have been of the utmost advantage; but it was certainly rather fortunate it did not take place at a later period, as after all the transports, storeships, &c. were ordered into the Veere Gat, and the plan of running at once up the West Scheldt by the Weeling Channel seemed abandoned, the object of destroying the Cadsand batteries ceased, and a landing there would only have been an unnecessary risk, and a very inconvenient separation of our force, and of course occasioned great delay in collecting it for ulterior operations. It must not however be forgotten, that the difficulties here turned out to be much greater than had been at all foreseen before we sailed. In the first place, the beach was so exposed, that in blowing weather it was found impossible to land, and, from what cause I know not, the marquis of Huntly's division could not be taken up, in the first instance, high enough to attack the Breskens battery, the only one, from its situation, of much importance. In addition to this, the enemy, who had been represented by all the intelligence communicated to me to be very weak, almost actually without troops in that quarter, appeared to be well prepared, and in considerable force. Under these circumstances, according to lord Huntley's report, commodore Owen appears to have experienced great disappointment in not having the support of lord Gardner's fleet and of his boats; but his lordship, as I believe, could never enter the Weeling Channel at all; nor indeed was I ever acquainted with what instructions were given to him on this head.'

When it was found that lord Huntley's division could neither land nor proceed by the Weeling Passage up the Scheldt, as I had intended they should, it was determined to withdraw them; but from the boisterous state of the weather, it was some days before this could be effected. As soon as it was accomplished, they were passed over South Beveland.

With respect to sir J. Hope's operation it was more prosperous. The object of it was this:—In the original arrangement for carrying the army at once up the West Scheldt, sir J. Hope's division was included; but just before we sailed, the admiral received intelligence that the French fleet was come down abreast of Flushing, and seemed to threaten to oppose our passage up the Scheldt.

In this view, it was conceived that, by a landing on the north side of South Beveand, the island might be possessed, and all the batteries taken in reverse, and thereby the position of the French fleet, if they ventured to remain near Flushing, would be, as it were, turned, and their retreat rendered more difficult, while the attack on them by our ships would have been much facilitated; and for this object, the division of sir J. Hope rather preceded, in sailing from the Downs, the rest of the fleet.

The navigation of the East Scheldt was found most difficult; but by the skill and perseverance of sir R. Keats, this purpose was happily and early accomplished, though the troops were carried a great way in schuyts and boats; and this division was landed near Ter-goes, from whence they swept all the batteries in the island that could impede the progress of our ships up the West Scheldt, and possessed themselves on the 2d of August of the important post of Batz, to which it had been promised the army should at once have been brought up.

Sir J. Hope remained in possession of this post, though not without being twice attacked by the enemy's flotilla, for nine days before any of the gun-boats under captain sir H. Popham were moved up the Scheldt to his support.

But it will be recollected that both these operations tended directly to forward the original purpose of a rapid progress up the Scheldt; the former by opening the Cadsand channel, could the landing of lord Huntley's division have been effected: the second, by covering the progress of our fleet along the coast of South Beveland; while this division under sir John Hope was at the same time so far advanced towards the destination at which the rest of the armament was to be assembled.

It will now only be necessary for me to bring before your Majesty the dates at which the several parts of the armament were enabled, according to the arrangement of sir Richard Strachan, to pursue their progress up the Scheldt. In this place, however, it may he proper that I should previously advert to the grounds on which the 3d division under lieutenant general Grosvenor, as well as the two light battalions of the King's German Legion, (composing part of the force destined in the first instance to proceed against Antwerp) were landed at Walcheren and employed before Flushing.

Your Majesty will be pleased to recollect, that the troops which sailed from Portsmouth, under lieutenant general sir Eyre Coote, were destined for the service of Walcheren, and had been considered as sufficient for that object, according to the intelligence received, and the supposed strength of the enemy; though, at the same time, certainly relying, for the first efforts against Flushing, on the promised co-operation of the navy, and on their establishing, as was held out, in the first instance, a naval blockade, except on the side of Veer and Rammakins. Unfortunately, however, this did not take place, and for several nights after the army was before Flushing, the enemy succeeded in throwing from the opposite coast, probably from the Canal of Ghent, considerable reinforcements into the place, which enabled him constantly to annoy our out-posts and working parties, and finally to attempt a sally in force, though, happily from the valour of your Majesty's troops without success. This proving very harrassing, particularly from the great difficulty of communication between the several parts of our line; I determined, in order to relieve the troops and press forward the siege with as much vigour as possible, to avail myself for the time of the services of these corps; but it is to be remembered, that this was only done because I saw no movement making to push forward a single vessel up the West Scheldt; and it therefore seemed more advisable to have their assistance before Flushing, than that they should lie inactive in the Veer Gat; and they might at any time be re-embarked from Rammakins in a few hours, whenever their transports could be brought up from Veer, and there was the least chance of our proceeding to our ulterior destination.

I have already stated that Rammakins surrendered on the evening of the 3d of August.

Immediately upon this event, feeling, as I did, great uneasiness at the delay which had already taken place, and at the departure from the original plan, I wrote a letter to the admiral, then at Ter Veer, expressing my hope, that the ships would now be able to enter the West Scheldt by the Sloe Passage, and that no time should be lost in pressing forward as speedily as possible our further operations; and I requested, at the same time, that he would communicate to me the extent of naval co-operation he could afford, as well for the future blockade of Flushing, as with a view to protecting the coasts of South Beveland, and watching the passages from the Meuse to the East Scheldt, as this consideration would govern very much the extent of force I must be to leave in South Beveland, when the army advanced. To this letter he did not reply fully till the 8th of August; but I had a note from him on the 5th, assuring me the transports should be brought forward without delay; and I had also a very long conversation with him on the morning of the 6th, on the arrangements to be taken for our further operations, when I urged in the strongest manner, the necessity of not losing a moment in bringing up the cavalry and ordnance ships, transports, store ships, victuallers, &c. &c. in order that the armament might proceed without delay to its destination; and I added my hopes, that they would receive the protection of the ships of war, none of which had yet entered the West Scheldt.

To all of this and to the several arrangements explained to him in detail, he fully assented.

In his reply to my letter of the 4th on the 8th of August, he acquaints me that several of the smaller vessels of different descriptions had passed through the intricate passage of the Sloe, and that he had ordered the frigates to pass up the West Scheldt, to be followed by the line-of-battle ships; and he gave hopes that he should be able to go up the river with the flotilla on the 10th of August at furthest, and that the frigates and line-of-battle ships should follow as they came in in succession.

The frigates however did not pass Flushing till the evening of the 11th, and the line-of-battle ships only passed to the anchorage above Flushing on the 14th, the second day of the bombardment.

These ships began to proceed up the river on the 18th, and arrived on the 19th; one division as high as the bay below Waerden, the other off the Hanswent, where they remained; the Courageux passed above Batz; the cavalry ships only got through the Sloe Passage into the West Scheldt from the 20th to the 23d, and arrived off Batz on the 22d and 24th; the ordnance ships and store ships passed through from the 22d to the 23d, and arrived at their destination off Batz on the 24th and 25th; the transports for lieutenant general Grosvenor's division only came up to receive them on the 19th, on which day they embarked; and those for major general Graham's division on the 20th and 21st; and they arrived off Batz on the 24th. The corps of brigadier general Rottenburgh, and the light battalions of the German Legion proceeded to join the earl of Rosslyn's division in South Beveland.

From this statement, your Majesty will see, that, notwithstanding every effort on my part with the admiral, the armament was not assembled at the point of its destination till the 25th, and of course that the means of commencing operations sooner against Antwerp were never in my power.

It now became at this advanced period my duty to consider very seriously the expediency of landing the army on the continent. On comparing all the intelligence obtained as to the strength of the enemy, it appeared to be such as to leave (as stated in my dispatch of the 29th of August) no reasonable prospect of the force under my command, after accomplishing the preliminary operations of reducing fort Lillo as well as Liefkenshoeck on the opposite side of Antwerp, without the possession of which the destruction of the ships and arsenals of the enemy could not be effected; and in addition to this, the sickness which had begun to attack the army about the 20th, and which was hourly increasing to an alarming extent, created the most serious apprehensions in the minds of the medical men, as to its further progress, at that unhealthy season, and which fatal experience has since shewn to have been but too well founded.

Your Majesty will not be surprised, if, under these circumstances, I paused in requiring the admiral to put the army on shore. That a landing might have been made, and that any force that would have been opposed to us in the field would have yielded to the superior valour of British troops, I have no doubt; but then any such success could have been of no avail towards the attainment of the ultimate object, and there was still less chance that the enemy would have given us the opportunity. Secure in his fortresses, he had a surer game to play. for if ever the army, divided as it must necessarily have been in order to occupy both banks of the river, exposed to the effects of inundation on every side, and with all its communications liable to be cut off, while the force of the enemy was daily and hourly increasing, had once sat down before Antwerp, it is unnecessary for me to point out to your Majesty how critical must in a short time have been their situation. But when, added to this, sickness to an alarming extent had begun to spread itself among the troops, and the certain and fatal progress of which, at that season was but too well ascertained, it appeared to me, that all further advance could only tend to commit irretrievably the safety of the army which your Majesty had confided to me, and which every principle of military duty as well as the direct tenor of my instructions alike forbad.

In this state of things, I considered that there was left me no alternative, but to pursue the course I have already stated, for your Majesty's information, in my dispatch of the 29th of August; and that conduct I now must humbly, but at the same time with perfect confidence, submit to your Majesty's judgment.

I shall here close this report; which has I fear, already detained your Majesty but too long; by observing that wherever it has been necessary for me to advert to the disappointments experienced, through the arrangements of the admiral, in the naval co-operation I had been taught to expect, I have confined myself to stating the facts; abstaining, as it became me, from all comment, and leaving it to the admiral, in such Report as he may make of his proceedings, to bring under your Majesty's view the circumstances which may have occasioned them, and, above all, to account for the difficulties which prevented the investment of Flushing (a point never even doubted of before) as well as to shew the obstacles which presented themselves to the early progress of

the armament up the West Scheldt, which operation I had always looked upon as the primary object of his instructions, and on the accomplishment of which our best hopes of success in any of the ulterior objects of the Expedition principally, if not wholly depended. CHATHAM,
Lieutenant General.

PAPERS RELATING TO REAR ADMIRAL SIR RICHARD J. STRACHAN, BARONET.—*Ordered, by the House of Commons, to be printed, 7th March* 1810.

No. I.—Copy of a Letter from Rear Admiral Sir R. J. Strachan to J. W. Croker, esq. on lord Chatham's having produced a Private Note of the Rear Admiral's respecting provisions, &c. London, 28th February 1810.

Sir; I understand that lord Chatham last night produced a private note of mine, under date the 27th of August, on the subject of provisions and other matters, to the House of Commons.—The allusion to provisions in that note was in consequence of an error in the statement which was given to me, from the principal agent of transports, respecting the provisions of the army, but it was immediately corrected, and I think [I am not certain,] subsequently reported to their lordships.—I mention this that their lordships may be convinced of my anxiety to prevent any improper impression in regard to the supply of provisions for the army.—The observations which I made in that note, to meet the feelings of his lordship, on the view he had taken of the difficulties which presented themselves on his expectation of success, appear to me unimportant; the thing was decided upon; it was not a moment to analyse the principles of that decision, and my public letters, and examination at the bar of the House of Commons, will, I trust, have explained my sentiments and decision upon this subject. I have, &c. R. J. STRACHAN.

No. II.—Copy of a Letter from Rear Admiral Sir R. J. Strachan to J. W. Croker, esq. respecting the Statement of the Earl of Chatham. London, 5th March 1810.

Sir; When I solicited my lords commissioners of the admiralty to procure for me an authentic copy of the Statement of lord Chatham upon the late Expedition to the Scheldt, I made that request in the hope that I should be permitted, after examining the subject of that paper, to submit to their lordships' consideration such observations as might arise from it; and I have now to request that you will convey to their lordships my thanks for the transmission of the paper, and at the same time solicit their attention to the observations upon it which I have now the honour to enclose.—Feeling perfectly conscious that every exertion had been made by me in forwarding the objects of the Expedition, and that no blame could be justly imputed to myself or the navy, I could not possibly suspect that lord Chatham to the irregularity of presenting immediately to his Majesty such a paper as that which I have received, had added the impropriety (to use no stronger term) of endeavouring to exculpate himself by private insinuations against the conduct of others.—Every officer has a just right, and where he really believes failure to have arisen from the misconduct or negligence of those with whom he has been associated in a joint command, is in duty bound, in many cases, to state his opinion officially to the government.—It is then for his Majesty to judge of the propriety and necessity of instituting any inquiry upon the subject; but to assume the privilege of conveying private insinuations to the prejudice of others, from whose knowledge they are studiously concealed, must prove utterly destructive of all mutual confidence in joint operations of the army and navy.—Their lordships will now be able to judge whether there is any foundation for the imputations, that the delays originated with myself, or with any others in the naval service, or whether during my command on the late Expedition, any proceeding on my part, has in any respect justified the line of conduct which lord Chatham has thought fit to adopt towards me.—Upon this subject, that I may not interrupt my observations upon his lordship's Statement, I will now advert to my letter of the 27th of August.—That letter was an official one; I have already expressed my regret that it was so inadvertently worded, as to excite any suspicion of my imputing blame to the commander in chief of the army, on the ground of his then determining to abandon any further attempt in the Scheldt.—I was not aware that any expressions which I might have considered myself justified in using for the purpose of conveying my sentiments to their lordships, would have been given to the world, if they should have been thought injurious to the character of the commander in chief of the forces.—In my letter to lord Chatham of the 26th of August (enclosure to No. 29. Admiralty papers No. 3.) I offered the fullest co-operation of the navy in any further attempt in the Scheldt, and therefore I thought myself bound to state in my official letter, that I had made such offer, and I was of opinion, as I have since explained in my evidence, that it would have been advisable to have attacked forts Lillo and Liefkenshoeik.—It appeared to me that this offered a chance of opening some further field of enterprize for the navy, or at all events of ascertaining whether the destruction of the enemy's fleet, or of any considerable part of it, was indeed practicable; but in expressing my wish, I meant to represent it to be more of a military than a naval question, and I never presumed to set my opinion upon that subject against the professional opinion of the army, still less to impute any misconduct or blame as attaching to their determination, that such an attack was not advisable.—When all these circumstances, their publicity, and my readiness at all times to do justice in this respect to the army, are considered; I cannot think that a misinterpretation of the general expression in a public official letter could even palliate, much less justify, the secret attack which has been made upon my character and conduct.—With these general observations I submit to their lordships that it is much more easy to answer direct charges than indirect insinuations, and I trust they will therefore excuse my troubling them at greater length than I should otherwise have thought necessary. I have, &c. R. J. Strachan.

No. III.—Rear Admiral Sir R. J. Strachan's Observations on the Earl of Chatham's Statement of his Proceedings dated 15th October 1809, presented to the King 14th February 1810.—London, 5th March 1810.

Upon the first point to which lord Chatham in his Narrative has called his Majesty's attention, namely, "the ground upon which after the army was at length assembled near Bathz a landing in prosecution of the ulterior objects of the Expedition was not deemed advisable," it would be improper for me to make any observation, because the reasons which are said to have rendered it "clear and evident that no further operations could at that time be undertaken with any prospect of success," were such as I was not competent to appreciate, and therefore did not presume to discuss.

Not being aware from my own observations that further success was unattainable, I ventured to offer the fullest assistance and co-operation of the naval armament under my command in any ulterior measures which might be deemed advisable, and I trust that in making this offer I shall not be thought to have been guided by a too forward and indiscreet zeal, rather than by a due sense of my professional duty.

Upon the second point, namely, "Why the army was not sooner assembled at Bathz to commence further operations," I feel confident that I shall have no difficulty in proving, in direct contradiction to the assertion in lord Chatham's Statement, that the delay did in no shape rest with me, or depend upon any arrangements in which the navy was exclusively concerned, but that on the contrary every facility was afforded by the navy towards accelerating the movement of the army, and every exertion used by all those under my command in the various and complicated services entrusted to them.

I have in vain endeavoured to ascertain the foundation upon which the assertion rests, that it "was distinctly agreed upon that a vigorous attack by the navy upon the sea front should be made at the same time that the troops after effecting their landing advanced to invest Flushing, it being hoped that by a powerful co-operation from the sea at the moment the troops presented themselves before the place, the labour and delay of a regular siege might have been avoided." I cannot find any instructions, orders, letters or communications, either previous to our departure from the Downs or subsequent, alluding to any such agreement, and can have no difficulty, not merely in asserting that no such agreement was made, but that from the nature of the thing itself it is quite impossible that any such agreement could have been made.

It certainly was in contemplation, if the enemy's fleet had remained in the lower part of the river, more particularly in the vicinity of Flushing, to have pushed a fleet of line-of-battle ships in the Scheldt to attack them, and a squadron for that purpose among other objects was ready under the orders of lord Gardner. With that squadron I intended to have proceeded to the attack of the enemy's fleet if it had not retreated up the river before the armament arrived on the coast of Zealand.

It was also in my contemplation by means of that squadron to co-operate with the army in any attack upon Flushing wherein the assistance of the navy should be thought desirable. This is proved by my orders to lord Gardner of the 16th and 20th of July; but it is so far from being true that this view of mine was the result of any agreement preconcerted with lord Chatham, as the Statement seems to imply, that the first spontaneous offer of such co-operation on my part was passed by without any immediate notice by his lordship. This offer was contained in my letter of the 8th of August, to which I shall shortly have occasion to allude.

For particulars of the co-operation and assistance actually afforded by the navy in the commencement of our operations, I may refer to the last paragraph of lord Chatham's dispatch of the 2d August.

In answer to the imputation of misconduct thrown upon me for not having realized the hope "that by a powerful co-operation from the sea at the moment the troops presented themselves before the place, the labour and delay of a regular siege might have been avoided," it is perhaps sufficient to state, that such a hope must appear very chimerical except upon one or two suppositions. If the commander in chief, from a conviction that the works of Flushing on the land side were either too weak or too extensive, or manned by a garrison too inadequate to resist a sudden and general assault, had proposed a simultaneous attack from the line-of-battle ships, our fire might certainly have contributed to the success of such a project; but an enterprise so desperate as this, under the well ascertained circumstances of the fortress and garrison, can never have been for a moment in contemplation.

If for the purpose of sparing to his army the labour and delay of a regular siege, the commander in chief had wished to make his attack on the sea front, to embark the assailing army in the boats of the fleet, and to land them under the protection of our ships of the line, I need only say that I was perfectly ready to share the hazards of such an attack, and that the ships were prepared for the service. It could not be for me to suggest such a measure, which of course must originate with the commander in chief, to whom however I thought it my duty to state in my letter of the 8th of August my readiness to "act under a previous concert for co-operation with the army in such a plan of attack as might accelerate the surrender of Flushing."

But such a proposal, in point of fact, was not made to me; from whence I must conclude, that it was not thought to offer any rational prospect of adequate advantage. A concerted and combined attack, it should seem, was thought hopeless until the land batteries should be in a condition to act; but that a "vigorous attack by the navy upon the sea front, an attack undertaken at the moment the troops presented themselves before the place," would have afforded reasonable grounds of hope; although it is evident that in this case the enemy, after simply shutting their gates against the army, whose musquetry unassisted by great guns could have done little mischief to the garrison, would have directed their whole fire against us, and having crippled a part of our fleet, would have been still able to impose upon our troops the labour and delay of a regular siege.

I will next advert to the charges or insinuations, in relation to my conduct, in having failed "in performance of an assurance that the whole of the armament should be at once transported up the Scheldt," in having adopted a measure which though of great advantage as applied to the division intended for the attack of Walcheren, was not a little at variance with the leading purpose of the Expedition, namely the running with the right wing, and the advance of the army at once up the Scheldt.

These observations are accompanied with a denial that even this change in the destination of part of the fleet from the West to the East Scheldt, "would have delayed the advance more than three or four days;" a remark in which I entirely concur with lord Chatham, though on grounds very different from those assumed in the Statement.

Upon this part of the case I must recur shortly to the original discussions, and plans, relating to the Expedition, and the circumstances under which we arrived at Walcheren.

It had been at one time proposed before we quitted London to land the whole army in Tholen and South Beveland, as presenting fewer difficulties than the navigation of the Scheldt, which under the most favourable circumstances must always be liable to various contingencies. This proposal was, I understand, a good deal discussed, and on this point it is only necessary to refer to my instructions to sir R. Keats, where he was directed to give every assistance in transporting the troops to South Beveland and Tholen.

Another plan had been proposed of disembarking in the Slough, marching across South Beveland, embarking again at Bathz, and landing at Santvliet.

This plan appeared to be approved by many good judges of military operations, for one proof of which I may refer to the Minutes of Evidence.

The third plan which was suggested as preferable to either of the former, provided we met with no obstacles was to proceed directly up the West Scheldt, and this was ultimately adopted, because by keeping the troops in the transports it promised to preserve them in a more efficient state until their immediate service should be called for. To this arrangement the command of the Wieling passage was thought to be necessary, for which reason a respectable force was destined to occupy Cadsand.

Speaking of the failure of the attack on Cadsand, lord Chatham says, "in the first place the beach was so exposed that in blowing weather it was found impossible to land." Secondly, "From what cause I know not, the marquis of Huntley's division could not be taken up in the first instance high enough to attack the Breskins battery, the only one from its situation of much importance." Lastly, "Commodore Owen appears to have experienced great disappointment in not having the support of lord Gardner's fleet and his boats."

I trust that I shall be able to answer in a very few words the preceding insinuations. I confess that I was aware of the importance of Cadsand before we sailed from England; lord Chatham from being impressed with the same idea was induced to send over an engineer (capt. Paisley) to report on the practicability of effecting a landing on the beach. The same engineer in his evidence and speaking of the time to which lord Chatham alludes, when he says, "(the beach was so exposed, &c,") answers, "it appears to me there was no difficulty in landing unless what might arise from the enemy having a greater force than we could oppose to them in the first instance; of the enemy's force I am not a judge."

I do not believe that the Breskens battery had occurred to any person until I stated in the printed secret circular memorandum, "that the first thing the enemy ought to do would be to erect a mortar and furnace battery at Breskens, &c." I never heard a wish on the subject of passing the Breskens battery, and I do think if it had been represented to me as so extremely strong I should have urged the propriety of landing below it, and taking it in reverse in preference to the risk which the troops in transports would be subjected to by passing it. The engineer in minutes of evidence, says "the batteries appeared to me to have very little strength, the batteries appeared to me to be open batteries."

I refer to these Minutes of Evidence merely as proofs of the inaccuracy of the Statement.

I selected commodore Owen, an officer of great intelligence and professional talent, for the purpose of co-operating with the marquis of Huntley; I gave him every latitude of discretion; the quarter master general sent lord Huntley a copy of the commodore's instructions, and I apprehend there is no position or part of the beach between Sluys and the Ghent Canal on which he would not have attempted to effect a landing if any proposition or request had been made by lord Huntley to that effect.

I only require on this point that a dispassionate attention should be paid to my orders; that my letter of the 20th July to lord Gardner, coupled with that of the 16th, should be read with attention; and that a reference should be made to the evidence of commodore Owen and the marquis of Huntley, which I think will unequivocally prove, that no application was ever made to me for a proportion of boats beyond what was carried by commodore Owen's squadron.

Our original determination of landing in Zoutland Bay was laid aside in consequence of intelligence received at Deal of the preparation of the enemy on that part of the coast, and a memoir was drawn up on this subject which was submitted to lord Chatham and lord Castlereagh, and approved of by both; and it was consequently determined to land on Domburgh Beach; but on our arrival at Walcheren, the surf was found to be so heavy on Domburgh Beach, in consequence of a strong westerly wind, that landing there was impossible; it became therefore absolutely necessary to take shelter in the Roompot and Veergat, and the constant succession of gales for many days after our arrival, made it impossible, independently of other obstacles, to recur to the original intention of entering the western mouth of the Scheldt.

Upon the change in our measures, which was thus forced upon us by the untoward state of the weather, I must here beg leave to offer a very few remarks. It is admitted by lord Chatham to have been in some respects advantageous, by placing the transports and small craft in a place of security, and by facilitating the disembarkation of the troops on the Bree-Sand.

His lordship further states, that by this change of the destination of the fleet the occupation of Cadsand became unnecessary, and that if it could have been accomplished, it would have occasioned a very inconvenient separation of our force. On the other hand, this change of destination necessarily tended to produce some delay in the naval operations, by forcing us to proceed by a circuitous instead of a direct navigation; but the main question is, how far it necessarily tended to retard the attainment of the ulterior objects of the Expedition.

I have already stated, that for the purpose of attaining those objects three plans had been proposed, the last of which, as I conceived, had been selected as the most advantageous, only upon the supposition of our encountering no obstacle to the navigation of the whole fleet up the West Scheldt. Now the Weiling Channel had been rendered inaccessible to us by our failure at Cadsand, and consequently our expectations in this respect had been wholly overthrown, and the ground of preference on which the third plan had been adopted was in course removed; but it is evident that the practicability of the first plan which proposed to carry the army through the East Scheldt to Tholen, or that of the second, according to which the troops were to have been landed on South Beveland and to have proceeded to Bathz, could not be materially affected by the enemy's possession of Cadsand, or at all by the circumstance of our fleet being compelled by stress of weather to take shelter in the Veer Gat; on the contrary it will appear by the military instructions to sir J. Hope "that the navigation of the East Scheldt being little understood, and whether there was sufficient depth of water for the transports and victuallers which must necessarily attend this service, it is now judged most adviseable that the operation should take place by the Veer Passage."

Now the only imaginable impediments to the further progress of our army must have been apprehended either from a military force of the enemy occupying South Beveland, or from the French fleet in the West Scheldt, or from the enemy's flotilla; but the corps of sir J. Hope became possessed of the whole of South Beveland on the 2d August. The French fleet had retired beyond the boom of Lillo on the 1st August, from the enemy's flotilla which was unable to prevent the corps under sir J. Hope from taking possession of Bathz, or to regain possession of it before the greater part of the guns which had been previously spiked were rendered serviceable, and which on the first appearance of the British flotilla retired in confusion, and never afterwards repassed the boom of Lillo, no opposition to the movements of the army could at any time have been reasonably apprehended.

With respect to the immediate difficulties which may have operated as an objection to the disembarkation of the troops on South Beveland, and to their subsequent march across that island, I need only refer to the opinions of the naval officers who were employed in the Slough, by which I think it will appear that 20,000 men and 4,000 horses might have been landed from the Slough in 48 hours, that cavalry and ordnance horses might easily perform this march from the Slough to Bathz in 36 hours, the distance being from 30 to 35 miles. With regard to artillery, it was stated by sir J. Hope, in answer to a question as to the number of guns found in Bathz and Waerden which might have been used for the ulterior objects, that there were 12 24-pounders in the battery at Waerden, and 14 or 15 at Bathz, all of which, as the general believed, were on travelling carriages. I might add that the quantity of ordnance and ordnance stores taken on the island, as appears by the return in Journal Army Proceedings, was such as I should suppose to be sufficient for all the possible wants of the army.

When, therefore, lord Chatham contends in his Statement that the second point, namely, "why the army was not brought up sooner to the destination from whence its ulterior operations were to commence is purely a naval consideration," his position is certainly true in words, but as certainly incorrect in its implied meaning. It is obvious that the army might have marched to Bathz in the course of a few days, but it is also obvious that it could not be conveyed on board a fleet of 400 transports, besides frigates, sloops and flotilla, through a very intricate channel, without some delay. The difficulty of conducting such a fleet at all, through the mazes of such a navigation can only be appreciated by professional men; it was very greatly increased by an adverse wind, blowing for some time with such violence as to render the expedient of warping (the only means of proceeding) totally impracticable; such obstacles to our progress were only to be overcome by great exertions and perseverance, by a considerable but not as I trust an unnecessary expenditure of labour and time.

I can only say, that I made every arrangement by appointing the most active officers to every separate part of each service, and that I had every reason to be satisfied with their zeal, activity and exertion.

Having anticipated many of these difficulties, I attempted in a conversation with lord Chatham on the 1st of August, to impress them on his lordship's mind, and I inferred from his answers, that he intended to modify his future plans in consequence, and to proceed by South Beveland instead of the West Scheldt. Under this persuasion I directed admiral Otway to take the command of the fleet employed before Walcheren, that I might be at liberty to employ my whole attention in forwarding the different preparations necessary to facilitate the progress of the army to the destination from whence its ulterior operations were to commence.

I immediately directed sir Home Popham to proceed through the Slough with several sloops of war, all the bombs, gun brigs and gun boats, and use every exertion in getting the flotilla into the West Scheldt, that it might in the first instance co-operate with commodore Owen in completing the naval blockade of Flushing, and to be ready to proceed to Bathz at the shortest notice whenever its service should be required there, for the purpose of prosecuting the ulterior objects of the Expedition.

I also instructed him to hasten as much as possible the progress of the transports through the Slough.

The subsequent news of the rapid occupation of south Beveland and of the fort of Bathz, with a quantity of artillery and ammunition in the other forts (v. Journal Army Proceedings, sir John Hope) adapted to our future operations; and also of the facility which might be afforded to our arrangements for crossing to Santfliet, by a ford reported capable of being passed by some part of the army, further strengthened my opinion that the landing in South Beveland with all the cavalry and infantry would be the only means of rapidly approaching towards the ultimate objects of the Expedition.

Accordingly, in my interview with lord Chatham on the 6th, I stated fully the difficulties I had to encounter from the untoward state of the weather, and from the intricacy of the channel in passing the vessels through the Slough, as also from the difficulties made by the pilots, who refused to take charge of these vessels, or even to carry the line of battle ships into the West Scheldt.

The strong impression I felt upon this subject induced me to deviate from the line of conduct I have always adopted in relation to military matters, of not interposing any opinion; and I ventured to propose to his lordship to commence the disembarkation by landing the cavalry immediately on South Beveland and marching them to Bathz, which might be followed by all the infantry not occupied in the siege of Flushing; stating that much delay and difficulty would arise in getting our numerous vessels and transports through the Slough; that in addition to the frigates which were already under orders to proceed into the West Scheldt, I should be able in a day or two to get a sufficient portion of sloops and extra flotilla, consisting of the transports I ordered to be armed and the launches of the fleet to be fitted with carronades, to encrease the flotilla through the Slough to send up to co-operate with the army at Bathz, and such a limited number of transports as might contain articles essential to the first advance of the army. I also informed his lordship that every possible exertion was making to accomplish the passage through the Slough, on the nature of which exertions, being wholly technical, such as buoying and anchoring small transports on the side of the shoals, and making arrangements for warping, (the wind being still adverse) cannot be necessary for me to dwell.

That lord Chatham fully understood the nature and extent of the obstacles to our getting into the West Scheldt which I described, is obvious from his letter of the 7th of August, written after the interview in which I had explained them and ventured to propose the remedy of landing the cavalry, &c. in South Beveland.

To this letter I beg to call the most particular attention, as it is very difficult to reconcile the statement in that letter with the insinuations which it is my painful duty to answer. It is no less difficult to reconcile the admission, that "the active enterprize of the enemy and the reinforcement thrown into Flushing rendered it necessary to land general Grosvenor's division" with the assertion in the statement, that "it is to be remembered that this was only done because his lordship saw no movement making to push forward a single vessel up the West Scheldt."

Upon the justice of the last observation, after the conversation which had passed between us on the 6th, I dare not trust myself with making any comments.

I then thought and I still think that if the plan which I had presumed to suggest had been adopted, had the cavalry been landed on South Beveland and a limited number of transports been selected, that a delay of only a few days would have resulted from the adverse accident which had unavoidedly given a different course to the direction of our operations.

Lord Chatham seemed to think it necessary that all the men of war and transports should assemble in the Upper Scheldt at Bathz.

My opinion on this subject I have already stated. It is to be remembered that the French fleet had retreated above Lillo, and were dismantled, so that the presence of our line of battle ships in the West Scheldt could not be necessary until the army should have been assembled at Bathz, and even then, unless it should have been deemed inexpedient for the army to have advanced upon Antwerp, until we should have broken the boom of Lillo; I still think that not more than four ships could have been required for that purpose; In the mean time our flotilla would have been amply sufficient to have protected the passage of the army from Bathz to Sandvliet, as I should not have agreed to any proposition for crossing the army unless I had been quite certain that I had the most ample means of giving it the fullest protection. Being, however, particularly anxious to pursue the line of conduct most congenial to his lordship's wishes, and consequently best adapted to promote a cordial co-operation, I promised every exertion in carrying his intentions into execution.

Accordingly, on my return from lord Chatham, I continued my arrangements for accelerating the various complicated objects which were to be attended to.

The first part of the flotilla which got through the Slough were applied to the cutting off the communication between Cadsand and Flushing, because his lordship had regretted (though without urging it as a subject of complaint) that supplies had been so often thrown into Flushing. In fact, until after the 7th of August, the weather continued so bad with the wind at S. W. and S. S. W. that we were unable to interrupt the communication of the enemy, as the only vessels by which we could effect it were constantly driven in by the gales and could not keep the sea. The wind which was most adverse to us was most favourable to the enemy, who could from Cadsand run before it into Flushing without the possibility of interruption.

On the 7th we were able, by the weather moderating, to establish the sea blockade of Flushing, and on the 9th a considerable body of the flotilla, under the command of sir Home Podham, were carried through the swatch-way of the Caloot-sand at the entrance of the Slough Passage and proceeded to Bathz, where they arrived on the 11th. At the same time a squadron of frigates passed Flushing to join this flotilla and proceeded on the following day up the Scheldt.

With respect to the line of battle ships, great difficulty had occurred from the objections of the pilots, but I regretted this less because I had considered these ships, if in cousequence of my offer they should be called for by lord Chatham, as applicable to the co-operation in the attack of the town. And having placed the different divisions of the fleet employed in the various services in the East Scheldt, at Bathz, in the Slough, and in the West Scheldt, under the command of officers of respectability, with directions to press the passage of the transports through the Slough, I remained in the vicinity of Walcheren for the purpose of communicating with lord Chatham, as I conceived it my duty to do, until he should think it right to proceed to South Beveland. The ships of the line, therefore, whose immediate presence at Bathz did not for the reasons which I have just mentioned appear to me at all necessary, did not pass Flushing until the attack on the 14th. The Courageux, which ship was intended to go up the river when the frigates did, proceeded early in the morning of the 15th. I detained the other, as the anchorage at Bathz was very confined, and at that time extremely crouded, but they were only a few miles lower down, and within reach of going up in one tide whenever it should be required of them to proceed up the river.

The transports proceeded up the river in different divisions as fast as the difficulties I have stated could be overcome, and in consequence of the arrangements made and the exertions of the officers employed, with fewer accidents than I believe have ever occurred to so large a fleet in such a navigation.

I trust I have now succeeded in proving the point with which I set out, namely, that if the army was not sooner assembled at Bathz, the delay was in no shape imputable to my misconduct; the particular line of operations which had been suggested to the commander in chief of the forces and to myself, as most likely to insure the attainment of the ultimate objects of the expedition, was departed from, is notorious; but I have endeavoured to shew that the failure of the attack on Cadsand was not owing to any defect in the orders and instructions issued by me, and it was evidently impossible, that while Cadsand and Flushing remained in the hands of the enemy, I could carry such a naval armament as was assembled under my orders to the point of general rendezvous. No precautions of mine could secure the fleet and army against the fury of the elements, or enable us in spite of the adverse gales to reach by the shortest course our proper destination.

In conveying the fleet to a secure place of refuge, and one where the disembarkation of the troops took place with little loss of time and without any loss of lives, I trust I shall not be accused either of a dereliction of my duty or of any inattention to the interests of the army.

From this period I considered myself bound implicitly to accede to the wishes of the Commander in Chief. With him alone was there an option between a march of 36 hours and a voyage of an indefinite length. I trust that it was owing to no defect of zeal on my part, and I am sure it was owing to no want of exertion on the part of the many excellent naval officers whom I had the honour to command, that the progress of a fleet which it was necessary to warp, or in less technical language to haul by human labour, through the windings of a most intricate channel, and often directly in the teeth of the wind, appeared so tardy that lord Chatham "saw no movement making to push forward a single vessel to the West Scheldt." The exertions of the naval officers and men were not rendered less irksome by the persuasion that the labour, which though incessant often proved unavailing, might have been spared to them at the expence of a short march across the island of South Beveland. To impute to me or to the navy, under the name of delay, the loss of time which was passed by me in constant solicitude and by the men in unremitting toil, is not what I should have expected from lord Chatham.

It would have been more agreeable to myself to have offered to their lordships a simple journal of the daily transactions of the fleet, as that course would have afforded me the opportunity of paying a just tribute of gratitude to the numerous able and zealous officers, by whom I was aided in the different branches of the service, under my directions, and who may possibly consider themselves as unjustly subject, together with myself, to some imputation, from the marked and perhaps invidious accuracy with which the particular days of arrival of different divisions are specified in lord Chatham's Statement.

But I am convinced that it was not the intention of his lordship, in collecting such a multitude of dates, to attribute any blame to those officers. He has closed his report by pointing me out as the only object of his animadversion.

He leaves me "to account for the difficulties which prevented the investment of Flushing, as well as to shew the obstacles which presented themselves to the early progress of the armament up the West Scheldt."

He was not aware, it seems, that the first point was rendered impossible by the state of the winds: he was not even aware that the circumstances of his being blown into the East Scheldt had impeded his early progress up the West Scheldt.

Concerning lord Chatham's opinions I have now ceased to be solicitous, but I am and ever shall be sincerely anxious that their lordships should not see cause to regret the confidence with which they have been pleased to honour me upon this occasion. R. J. Strachan, Rr. Adm.

INDEX.

INDEX TO DEBATES IN THE HOUSE OF LORDS.

Army, the, 11

Corn Distillation Prohibition Bill, 1
Cruelty to Animals Bill, 726, 845, 880, 1017

East India Company, 14
Expedition to the Scheldt, 452

Foreign Expeditions, 12
Foreign Troops in British pay, 9, 24, 630

Gas Light Bill, 1038

King's Answer to the City of London, respecting the Expedition to the Scheldt, 2
King's Message relating to the Duke of Brunswick, 790

Offices in Reversion Bill, 1065

Poor Clergy, 830, 967
Prisoners of War, 26

Revenue Criminal Laws, 453
Roman Catholic Petition, 11, 14

Slave Trade, 11
Spain, 305, 373, 451
State of the Country, 846

INDEX TO DEBATES IN THE HOUSE OF COMMONS.

Admiralty Court, 12
America, Dispute with, 736, 1039
Assessed Taxes, 449, 831

Breach of Privilege—Newspaper Parliamentary Reports, 689
Breach of Privilege—Mr. John Gale Jones, 14, 548, 691
Breach of Privilege—Sir Francis Burdett, 136, 257, 454
Brunswick, Duke of, 757, 843, 879, 1031, 1077
Budget, 1043
Burdett, Sir Francis: Mr. Lethbridge's Complaint against, 136, 257, 454
Burdett, Sir F. Proceedings respecting the execution of the Warrant for his commitment to the Tower, 549
Burdett, Sir F. Proceedings respecting his Letter and Notices to the Speaker, &c. 592, 854, 915, 956, 969

Cartwright, Major; his Petition for Parliamentary Reform, 1020
Chatham, Earl, 3, 734
Criminal Laws, 833, 944

Disturbances in the Metropolis, 737
Drury Lane Theatre Petition, 757

East India Affairs, 654, 836, 1017
Erskine, Lord, 45
Expedition to the Scheldt, 46, 194, 306, 388

Farquharson, Mr.; his Petition, 27
Finance Committee, 13
Foskett, Captain; his Petition, 746, 957

Hunt, Mr. 450, 637

Irish Post Office; Treasurer of, 26, 818
Irish Tythes, 658.

Jeffery, Robert, 426
Jones, Mr. John Gale, 14, 548

Lake, Captain Warwick and Robert Jeffery, 426
Lincoln's Inn Benchers, 27
London, City of; Motion respecting the reception of the Address of the, 870
London, Livery of: their Petition respecting the Committal of Sir F. Burdett, 885, 922

Metropolis; the late Disturbances in the, 737
Middlesex Petition, for the Release of Sir F. Burdett, 780, 791
Montague, Mr. 29
Macoa; Expedition against the Island of, 902

Navy Estimates, 1005

Offices in Reversion, 12, 18
Ordnance Estimates, 15, 10
Ordnance Department, 648

Petition of the East India Company for Relief, 654
Portugal, 15
Prisoners of War, 833
Privately Stealing Bill, 762
Private Bills, 831
Privilege, Breach of; Newspaper Parliamentary Reports, 689
Privilege, Breach of; Mr. John Gale Jones, 14, 548, 691
Privilege, Breach of; Sir F. Burdett, 136, 257, 454
Property Tax, 832

Reading Petition respecting the Commitment of Sir F. Burdett, 949
Reading Petition respecting a Reform in Parliament, 952

Scheldt, Expedition to the, 46, 194, 306, 388
Securities Bill, 657
Sicilian Subsidies, 758
Sinecure Places, 1083
Slave Trade, 12
Staff Officers, 39

Transport Service, 835
Tythes in Ireland, 658

Vote of Thanks to Lieut. Gen. Sir S. Cotton, and Brig. Gen. Anson, 11
Vote of Thanks to Sir R. Wilson, 18
Wellington, Lord; his Answer to the Vote of Thanks, 388
Westminster Petition, for the Release of Sir F. Burdett, 726
Wilson, Sir R.; Vote of Thanks to, 18
West India Dock Company, 913

INDEX OF NAMES.—HOUSE OF LORDS.

Athol, Duke of, 1038

Bathurst, Earl, 2

Canterbury, Archbishop of, 830, 968
Carysfort, Earl of, 1076

Darnley, Earl of, 8, 11, 12, 24, 452
Donoughmore, Earl of, 14

Eldon, Lord, *See* Lord Chancellor
Ellenborough, Lord, 845, 880, 881
Erskine, Lord, 726, 845, 850, 881, 883, 1017

Grenville, Lord, 8, 11, 305, 373, 453, 635, 849
Grey, Earl, 7, 24, 32, 384, 451, 846, 1071
Grosvenor, Earl, 1065

Hardwicke, Earl of, 1
Harrowby, Earl of, 13
Holland, Lord, 6, 11, 26, 451, 790, 791, 830, 884, 967, 968

King, Lord, 9, 630

Lansdown, Marquis of, 2, 30, 451
Lauderdale, Earl of, 14, 882, 1038
Liverpool, Earl of, 3, 11, 12, 306, 630, 633, 695, 790, 849, 1076
Lord Chancellor, (Eldon) 882, 884, 968, 1068

Melville, Viscount, 1070
Mulgrave, Lord, 5, 7

Redesdale, Lord, 882, 1077
Rosslyn, Earl of, 4, 5, 630, 634

Sidmouth, Viscount, 1075

Wellesley, Marquis, 379, 451
Westmoreland, Earl of, 6

INDEX OF NAMES.—HOUSE OF COMMONS.

Abbot, Rt. Hon. C. *see* Speaker
Abercromby, Mr. 787, 959
Adam, W. 5, 260, 295, 493, 594, 722, 855, 863, 917, 994
Addington, H. 721
Agar, Capt. 743
Althorpe, Lord, 1086
Anstruther, Sir J. 38, 45, 455, 590, 596, 803, 842, 920
Attorney General (Sir V. Gibbs) 13, 30, 298, 610, 770, 920, 975, 1002

Bankes, H. 1, 12, 16, 25, 32, 721, 1083
Barham, J. 641, 786, 791, 895, 913
Bathurst, B. 16, 193, 299, 404
Beresford, J. C. 619
Binning, Lord, 473
Blachford, B. P. 186
Brand, T. 1, 261
Brougham, Mr. 7, 12, 421, 1036
Browne, H. 785
Burdett, Sir F. 14, 179, 395, 426, 444
Burrell, Sir C. 626
Byng, G. 789, 817

Calcraft, J. 15, 450, 637, 643, 648, 733, 783
Canning, G. 15, 12, 324, 444, 538, 715, 732, 736, 740, 776, 1040, 1094
Castlereagh, Viscount, 16, 81
Chancellor of the Exchequer (Right Hon. S. Perceval) 7, 9, 15, 16, 28, 181, 188, 192, 285, 304, 409, 434, 597, 640, 688, 709, 730, 742, 755, 760, 777, 781, 788, 855, 864, 897, 921, 995, 1029, 1033, 1043, 1063, 1090
Cochrane, Lord, 12, 13, 625, 1006
Combe, H. 742, 783, 870, 889
Cooper, A. 15, 639, 649
Craufurd, Gen. 2, 205, 747, 960
Creevey, T. 14, 19, 836, 1018, 1034
Croker, J. W. 22, 39, 277, 441, 720, 821
Curtis, Sir W. 874, 885
Curwen, J. 10, 265, 592, 624, 699

Duigenan, Dr. P. 687
Dundas, R. 23, 300, 420, 797, 838, 878, 910

Elliot, W. 935
Ellison, R. 812

Ferguson, Gen. 15
Fitzgerald, W. 15, 316, 686
Fitzgerald, M. 684, 806
Folkestone, Viscount, 4, 14, 175, 180, 182, 190, 292, 440, 463, 698, 877, 917, 972
Foster, J. 820
Foster, L. 11, 682
Frankland, Mr. 771, 947
Fuller, J. 697

Gibbs, Sir V. *see* Attorney General
Giddy, D. 593, 765, 784, 970, 977
Grant, Sir W. *see* Master of the Rolls
Grattan, H. 318, 543, 686
Grenfell, Mr. 795
Grenville, Lord G. 315

Hall, Sir J. 256, 720
Hamilton, Lord A. 13, 695, 814, 841, 896
Herbert, Mr. 254, 684, 763
Hibbert, G. 785, 913
Horner, F. 657, 878
Hutchinson, C. H. 18, 623, 789
Huskisson, W. 1035, 1057

Jacob, Mr. 9, 587, 926, 940
Jekyll, Mr. 870
Johnstone, G. 3, 643

Lambe, W. 758, 786, 1080
Lefevre, S. 951
Lethbridge, T. 136, 176, 185, 264, 300, 545
Lyttleton, W. H. 440, 621, 746, 750, 957, 966

Markham, Admiral, 22
Marryatt, J. 255
Martin, H. 13, 1078, 1085
Master of the Rolls, (Sir W. Grant) 302, 705, 769
Matthew, General, 688
Milton, Lord, 620, 970, 1003, 1093
Montgomery, Sir H. 755, 833
Moore, P. 14, 40, 1095
Morris, E. 771, 812

Newport, Sir J. 9, 677, 761, 764, 818, 934
Nicholls, Sir J. 12

Osborne, Lord F. 314
Ossulston, Lord, 454, 737
Owen, Mr. 268, 722

Parker, Capt. 615, 901
Parnell, H. 658
Peel, Mr. 407, 935

INDEX OF NAMES.

Perceval, S. *See* Chancellor of the Exchequer.
Piggott, Sir A. 859, 921
Plomer, Sir T. *See* Solicitor General
Pole, Sir C. 13, 835, 1005
Pole, W. 13, 19, 546, 672, 682, 826, 949, 1011
Ponsonby, G. 12, 187, 194, 304, 541, 589, 640, 652, 731, 799, 817, 857, 866, 942, 976, 979
Porchester, Lord, 46, 546, 615
Prendergast, Mr. 902
Price, Sir C. 874, 891
Pulteney, Sir J. 963

Romilly, Sir S. 280, 477, 533, 549, 613, 691, 724, 778, 833, 930, 944, 998
Rose, G. 18, 22, 310
Ryder, R. 13, 590, 695, 741, 858, 875, 888, 947

Scott, Sir W. 13
Sebright, Sir J. 612
Shaw, Sir J. 875, 891
Sheridan, R. B. 15, 28, 39, 45, 257, 441, 545
Simeon, Mr. 949, 952
Smith, W. 719, 740, 803, 821, 895, 963, 1003, 1079, 1086
Solicitor General, (Sir T. Plomer) 11, 15, 38, 718, 862
Speaker, (Right Hon. C. Abbot) 136, 179, 180, 181, 184, 257, 260, 548, 549, 609, 629, 656, 708, 733, 739, 854, 915, 956, 969
Stephen, S. 4, 14, 31, 191, 439, 487, 616, 788, 814
Sutton, M. 749, 958

Tarleton, General, 306, 762
Taylor, M. A. 745
Temple, Earl, 3, 608
Tierney, G. 299, 628, 859, 1031, 1037, 1061, 1082
Turton, Sir T. 388, 704, 842, 924

Villiers, Mr. 10

Wallace, T. 689, 922
Ward, J. W. 728, 797, 953, 962
Ward, R. 1005
Wardle, G. L. 10, 720, 787, 801, 936
Whitbread, S. 3, 10, 11, 32, 189, 269, 276, 352, 436, 533, 588, 600, 627, 642, 711, 728, 735, 736, 738, 744, 748, 857, 868, 892, 900, 964, 974, 1030, 1039, 1080, 1089
Wilberforce, W. 300, 546, 627, 773, 809, 895, 940, 948
Windham, W. 9, 27, 609, 715, 767, 863, 919, 948, 1001
Wood, Sir M. 812
Wynn, C. W. 2, 11, 193, 544, 618, 722, 858, 862, 933, 974, 998, 1004

Yorke, Sir J. 276

END OF VOL. XVI.

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